

(2025) 08 PAT CK 0864

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.18971 of 2018

Yagya Ram

APPELLANT

Vs

State Of Bihar and Ors

RESPONDENT

Date of Decision : 21-08-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 08 PAT CK 0864

Hon'ble Judges : G. Anupama Chakravathy, J

Bench : Single Bench

Advocate : Shailendra Kumar Verma, Kumar Manglam

Final Decision : Disposed Of

Judgement

G. Anupama Chakravathy, J

1. The petitioner has filed the instant application for the following reliefs:

"For quashing/ setting aside parts of impugned Order No. 33 dated 05.05.2017 (Annexure-2) and Order No.

732 dated 07.11.2017 (Annexure-3) of allegedly created/ shown 2 Additional vacancies duly of P.D.S. shops against sanctioned strength, as per population of area, of 8 (Eight) P.D.S. shops, which are already filled up, in Dhum Nagar Panchayat under Nautan Block, Bettiah Sadar Sub Division (West Champaran) for issuance P.D.S. of license to 2 choiced of candidates Respondent Authorities in violation of prescribed Govt. Norms of allotment of P.D.S. shop as census per i.e. 1350 for urban area & 1900 for Rural area, where in rural areas of Dhum Nagar Panchayat 8 P.D.S. shops taking into consideration of public population of 15270 @ $1900 \times 8 = 15200$ are already filled up affecting thereby right of 8 P.D.S. license holders including petitioner of distribution of food grains in the public of that area by curtailing quotas of all 8 PDS license holders and also ignoring/ suppressing real 6 more vacancies of P.D.S. shops for issuance of P.D.S. license to 6 candidates in the Nautan Block, Bettiah Sadar Sub Division (West Champaran) in

the most arbitrary and discriminatory manner.

(B) For prohibiting/ restraining staying issuance of P.D.S. license to any 2 candidates against said 2 vacancies of Dhum Nagar Panchayat under Nautan Block, Bettiah Sada (West Champaran) pending disposal of this writ application.

(C) And also for other necessary reliefs/ writs/ orders and directions in view of factual and legal profiles of this case.”

2. At the very outset, Learned counsel for the respondents contended that since this matter is squarely covered under the order passed by a Division Bench of this Court in CWJC No. 6428 of 2022 (Sitaram Gupta Vs. The State of Bihar & Ors.) this writ petition may also be disposed of on the same terms and conditions.

4. In Sitaram Gupta (supra) their Lordships have held as follows:

“15. True it is that if more than required number of shops are opened in an area, that would result in food-grains being distributed amongst the shopkeepers which may not ultimately reach the targeted beneficiaries, leaving food-grains in surplus with those licensees, who could indiscriminately hoard the same and sell it in black-market. Nonetheless, seeking cancellation of the fair-price shops in a particular area or preventing new shops to be opened, without any specific instance or evidence and only based on a general communication of the Secretary of the Department is neither desirable nor called for.

16. We do not find any reason to hold an opinion that the number of shops in particular areas are more than required for which necessary census will have to be undergone and a figure would have to be projected. In the absence of such details, an administrative instruction, a casual one at that, may not be enforced under Article 226 of the Constitution of India.

17. The petition has no merit and is, accordingly, dismissed”

5. Having regard to the submissions made by the Learned counsel of the respondents, the present writ petition stands dismissed in terms of the aforesaid judgment passed in Sitaram

Gupta (supra).

6. Interlocutory Application, if any, shall stand disposed of.