

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3629 of 2021

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Tribuwan Ram S/o Late Mhadev Ram R/o Village- Husepur Nand, PS-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Samaharnalay Siwan, District- Siwan, Bihar.
2. Sub Divisional Magistrate, Sub Division Maharajganj, Address Office of the Sub Divisional Magistrate, District- Siwan, Bihar.
3. Commissioner, Saran Division, Address- Office of the Commissioner, Saran, Chapra, District- Saran, Chapra, State- Bihar.
4. Brajesh Kumar Singh S/o Late Adalat Singh PDS Dealer, Village- Narharpur, Panchayat- Padauli, Block- Lakadi Nabiganj, P.S.- Basantpur, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajeet Singh, Adv
For the Respondent/s : Mr. Arvind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 22-01-2022

This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. We have heard Mr. Ajeet Singh, learned counsel for the petitioner and learned counsel representing the State of Bihar.

3. Respondent no. 4 is a licensee to run a PDS shop



under Bihar Targeted Public Distribution System (Control) Order, 2016 [hereinafter referred to as 'BTPDS (Control) Order, 2016']. It transpires that this petitioner had made an application before the authorities under Bihar Public Grievance Redressal Act, 2015, making certain allegations against said respondent no. 4 regarding irregularities in running the PDS shop in question. The Appellate Authority under the said Act had disposed of the petitioner's appeal with a direction to the appropriate authority to look into the issues raised by the petitioner. The Licensing Authority, after giving respondent no. 4 an opportunity of hearing, had cancelled his license. Respondent no. 4 thereafter preferred an appeal under BTPDS (Control) Order, 2016 before the Appellate Authority. The Appellate Authority, i.e., the Collector, Siwan, passed a detailed order dated 10.04.2018 allowing the appeal wherein he dealt with the contentions raised on behalf of the respondent no. 4 and concluded that the Sub-divisional Officer-cum-Licensing Authority, passed the order, cancelling the license without looking into the report submitted by a Committee constituted to examine the correctness of allegation against the petitioner. Recording reasons, the Appellate Authority allowed the appeal, set aside the order of the Licensing Authority and accordingly



directed for restoration of licence in favour of the respondent no. 4. The matter was however remanded to the Licensing Authority to pass a reasoned order. Against the said order of the Appellate Authority, the petitioner filed Supply Revision No. 99/2018 before the Commissioner, Saran Division, Chapra. The said revision application has been dismissed by an order dated 29.10.2018 on the ground that the petitioner did not have any *locus standi* to challenge the order of the Appellate Authority, he being a third party.

4. Learned counsel appearing on behalf of the petitioner has drawn our attention to various statements made in the writ petition to contend that respondent no. 4 has indulged in black marketing and embezzlement of the food grains and, therefore, the order of the Appellate Authority, setting aside the order of the Licensing Authority, is erroneous. He has further submitted that the Revisional Authority wrongly rejected the petitioner's revision application on the ground of petitioner being a third party.

5. There is no averment in the writ petition that the petitioner is a consumer attached with the said PDS shop. He appears to have filed applications under the Right to Information Act in relation to functioning of the PDS shop being



run by respondent no. 4.

6. In the affidavit portion of the writ petition, the petitioner has simply mentioned that he is well conversant with the facts and circumstances of the case and competent to swear the affidavit. He has further stated that the contents of the accompanying petition and affidavit have been read over to him in vernacular language which he has understood. There is no statement as to which statements are correct to his personal knowledge and which are based on his information derived from records or any other source.

7. On perusal of the pleadings in the writ petition and other materials on record, in our opinion, this is a frivolous and vexatious petition which has generated unnecessary litigation. Learned counsel for the petitioner, while making his submission, has consumed precious time of this Court, despite he having been cautioned by this Court repeatedly.

8. In our opinion, writ petition which is not duly supported by statement as to which statements are true to the petitioner's knowledge and which are based on information on record deserves to be thrown at the threshold. Further, since this writ petition lacks bonafide, it deserves to be dismissed with a cost.



9. This writ petition is accordingly dismissed with a cost of Rs. 5,000/- (Five thousand) to be deposited by the petitioner in the account of Bihar State Legal Services Authority within one month from today.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2022
Transmission Date	NA

