

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 4350 OF 2010

THE STATE OF JHARKHANDAPPELLANT(S)

VERSUS

**FAIR PRICE DEALERS
ASSN.**

....RESPONDENT(S)

O R D E R

- 1.** No one appears for the appellant – State of Jharkhand even when the matter has been taken up on second call.
- 2.** The present appeal arises from the Resolution No. 1580 dated 06.08.2009 (Hereinafter referred to as, “the 2009 Resolution”) issued by the Department of Food, Public Distribution and Consumer Affairs, Government of Jharkhand which aimed at regulating the procedure for issuance of license under the Public Distribution System. The legality of this resolution had been challenged by the Fair Price Dealers Association, Jharkhand, Ranchi (Hereinafter referred to as, “respondent association”) before the Single Judge of High Court of Jharkhand at Ranchi (Hereinafter referred to as, “the High Court”) in Writ Petition (Civil) No. 4020 of 2009. The respondent-association contended that this resolution had the effect of changing the area of operation of fair price shops, resulting in loss of income to the existing license holders.
- 3.** The aforesaid writ petition came to be dismissed vide Order dated 04.09.2009 with liberty to members of the respondent association to

file individual writ petition.

4. Aggrieved, the respondent association preferred a Letters Patent Appeal bearing L.P.A. No. 473 of 2009 before the Division Bench of the High Court. The said appeal was disposed of by the Division Bench vide Order dated 27.11.2009 while observing that the area of operation of the fair price shops cannot be allowed to be changed “before the expiry of the period of five years” i.e. the period of contract between the appellant – State and the license holders.

5. The appellant – State has preferred this appeal by special leave assailing the aforesaid observation made by the Division Bench of the High Court in the impugned order.

6. On perusal of the impugned order and the material available on record, we find that the matter has lost its efficacy as licenses issued in favour of members of the respondent association under the Public Distribution System (Control) Order, 2001, which were supposedly valid for a period of five years, have already expired in or about December, 2014.

7. Hence, in the peculiar facts and circumstances of the case, the instant appeal is dismissed as having become otiose with the efflux of time. However, the question of law is left open, to be decided in appropriate proceedings.

.....**J.**
(SANDEEP MEHTA)

.....**J.**
(VIJAY BISHNOI)

NEW DELHI;
JUNE 18, 2026.

ITEM NO.124

COURT NO.4

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4350/2010

THE STATE OF JHARKHAND

Appellant(s)

VERSUS

FAIR PRICE DEALERS ASSN.

Respondent(s)

Date : 18-06-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE VIJAY BISHNOI
[PARTIAL COURT WORKING DAYS BENCH]

For Appellant(s) : Mr. Anil K. Jha, AOR (Not Present)

For Respondent(s) : Mr. Adarsh Upadhyay, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The civil appeal is dismissed in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)