

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1843 of 2019

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Poonam Devi, aged about-32 years, W/o - Pramod Kumar Mandal, R/o - Vill- Chaudanda, Ward No.01, Gram Panchayat Raj Kanp, P.S.- Saur Bazar, Distt- Saharsa

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Saharsa
2. The Divisional Commissioner, Saharsa Division, Saharsa
3. The District Magistrate-cum-the Chairman, District Level Selection Committee
4. The Sub-Divisional Officer, Sadar Saharsa
5. The Assistant District Supply Officer, Sadar Saharsa
6. The Block Supply Officer, Saur Bazar, Saharsa
7. Ajit Kumar, S/o Mohan Thakur, R/o - Vill- Kanp West, Ward No.11, P.S.- Saur Bazar, Distt- Saharsa
8. Mukesh Kumar Murari, S/o - Abhay Mandal, R/o - Vill- Chaudanda, Ward No.1, P.S.- Saur Bazar, Distt- Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 01-02-2019 The grievance raised by the petitioner, who is stated to be a Ward Member, is in relation to the situs of a shop under the Public Distribution System, which according to the petitioner is beyond the distance prescribed under the Public Distribution System Control Order, 2016, which inter alia prescribes a shop to be situated within 2 K.M. radius of its consumers.

Mr. Mukesh Kumar, learned counsel appearing for the petitioner, has invited attention of this Court to a representation



filed by the local villagers to the licensing authority i.e. the Sub-Divisional Officer, Sadar, Saharsa. Mr. Mukesh Kumar, learned counsel for the petitioner, has referred to Rule 9 of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as '2016 Order'), to submit that it inter alia provides that there shall be one fair price shop for the population of 350 in Urban areas and for the population of 1900 in Rural areas which is to be situated within 2 K.M. of the reaching distance of the consumer. He submits that any decision in this regard is to be taken at the level of the District Level Selection Committee under Rule 5 of '2016 Order', which is chaired by the District Magistrate concerned.

We have heard Mr. Mukesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Alok Ranjan, learned AC to AAG-5, for the State and in the nature of the grievance so raised, we are persuaded to grant liberty to the petitioner to raise the issue by filing representation with supporting facts before the District Magistrate, Saharsa, who as the Chairman of the District Level Selection Committee is fully empowered to take a decision in this regard and it goes without saying that any such representation filed by the petitioner on behalf of the villagers shall be considered and disposed of by



the District Level Selection Committee chaired by the District Magistrate, Saharsa in accordance with law within three months of its filing, bearing in mind the stipulations present in Rule 9 of '2016 Order'.

With the observation and direction above, the writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Archana/
Surendra/-

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