

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6029 of 2020**

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Sunil Kumar Gupta Son of Manik Chand Sah, Resident of village- Lalapur,  
Panchayat Lalapur, P.S.- Kudra, district- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Divisional commissioner, Patna Range, Patna
3. The District Magistrate, Kaimur at Bhabua
4. The Sub divisional Officer, Mohania, District- Kaimur.
5. The District Supply Officer, Mohania, District- Kaimur.
6. The Block Supply Officer, Kudra, District- Kaimur
7. Radhe Shyam Singh son of Laxman Prasad Singh resident of Village-Deorah Mala Khurd, P.S.- Kudra, District- Kaimur.

... .. Respondent/s

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**Appearance :**

|                           |   |                                                                                     |
|---------------------------|---|-------------------------------------------------------------------------------------|
| For the Petitioner/s      | : | Mr. Sumeet Kumar Singh, Adv<br>Mr. Satakshi Sahay, Adv<br>Mr. Ajay Kumar Sinha, Adv |
| For the respondent no. 7: |   | Mr. Sanjay Kumar, Adv                                                               |
| For the State             | : | Mr. S. Raza Ahmad (AAG5)<br>Mr. Alok Ranjan, AC to AAG-5                            |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 21-12-2021**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 07.02.2020 passed in Essential Commodities Act, Revision No. 2-2020 passed by the Division Commissioner, Patna Range, Patna whereby and

whereunder he has allowed the revision application and held that the District Selection Committee has committed irregularity in issuance of PDS dealer license to the petitioner for the Devrad kala Panchayat under Block Kudra, District Kaimur hence selection of the petitioner has been cancelled and directed to District Magistrate, Kaimur to commenced the selection process afresh.”

The short ground on which we allow the present petition is non-consideration of the materials placed on record by the petitioner, who could not appear before the authority, on the date fixed on account of his illness.

In our considered view, the matter ought to have been adjourned for the next date.

In any event, the authority ought to have considered the documents placed by the parties before allowing the petition preferred by the private respondent.

We notice that the petitioner herein, at one point of time was held to be successful in the allotment of the PDS Licence.

In this view of the matter, the violation of principles of natural justice entails civil consequences, as such, on this short ground alone, we quash and set aside the order dated 07.02.2020 passed by Divisional Commissioner, Patna, on the following mutually agreeable terms:-

(a) Order dated 07.02.2020 passed by Divisional

Commissioner, Patna, is quashed and set aside.

(b) All parties present before including the petitioner and private respondent shall appear before the Divisional Commissioner, Patna on 29.12.2021 at 10:30 am;

(c) No further notice would be required to be issued by the said authority:

(d) Liberty reserved to the parties to place on record, additional materials in support of their contentions;

(e) The authority shall consider and decide the petition expeditiously and preferably within a period of three weeks thereafter assigning reasons, copy whereof shall be supplied to the petitioner;

(f) As on date the respondent is running shop in terms of the licence issued in his favour. He shall continue to do so, till the decision is taken;

(g) Petitioner undertakes to pay cost of Rs. 10,000/- to the private respondent. Cost shall be paid to the private respondent on the date fixed;

(h) Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

The petition stands disposed of.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

( S. Kumar, J)

ranjan/-

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| CAV DATE          | NA   |
| Uploading Date    |      |
| Transmission Date | NA   |