

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19871 of 2018

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Ashok Kumar Yadav S/o Anil Yadav, Resident of Village- English, P.S.-
Paranpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Chairman, District Level Selection Committee, District- Katihar.
3. The Collector-Cum-District- Magistrate, Katihar.
4. The District Supply Officer, Katihar.
5. The Sub Divisional Officer, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr.Dhananjaya Nath Tiwari, Adv.
For the State	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-02-2021 The present writ petition has been filed challenging the order dated 18.12.2017 passed by the PDS District Level Selection Committee, Katihar Sadar, Block-Paranpur, Katihar by which the application of the petitioner for grant of PDS licence has been rejected on the ground that in Ward No. 10 already there is a PDS dealer.

The learned Senior Counsel for the petitioner, Sri N.K.Agrawal, has raised various issues and has submitted that the application of the petitioner was considered and his case was



recommended for the purposes of grant of PDS licence, however, subsequently, it has been reviewed illegally and now, the respondents have sought to disallow the grant of PDS licence to the petitioner. The learned Senior Counsel for the petitioner has further submitted that there is no restriction on the appointment of two PDS dealers in one ward.

Per contra, the learned counsel for the State has submitted that already, there is one PDS dealer in the ward in question, hence, upon the same having come to the notice of the respondents, the case of the petitioner for grant of PDS dealer was disallowed.

This Court finds that the present writ petition involves disputed question of facts, which are required to be adjudicated, hence, it would be appropriate that the matter be decided by the Divisional Commissioner, Purnea.

Having regard to the facts and circumstances of the case and with the consent of the parties, I deem it fit and proper to grant liberty to the



petitioner to approach the Divisional Commissioner, Purnea with regard to the issue in question by filing appropriate representation within a period of three weeks from today, which shall be decided in accordance with law by the Divisional Commissioner, Purnea within a period of six weeks thereafter, after giving adequate opportunity of personal hearing to the petitioner.

It is needless to state that the petitioner shall be free to raise such grounds as he may deem fit and proper, in the representation to be filed before the Divisional Commissioner, Purnea.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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