

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4785 of 2020

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Satyendra Kumar, Son of Late Chandeshwar Sharma, resident of village-
Nardiganj, P.s.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Food and Consumer Protection Department, (2nd Appellate Tribunal), Bihar, Patna
3. The Divisional Commissioner Magadh Division, Gaya-cum-1st Appellate Tribunal, Gaya
4. The Collector, District- Nawada
5. The Sub-divisional Officer, Sadar, District- Nawada
6. The District Supply Officer, Nawada
7. The Block Supply Officer Nardiganj, Block- Nardiganj, District- Nawada
8. Pawan Kumar Son of Late Bindeshwari Prasad resident of village-
Nardiganj, P.s.- Nardiganj, District- Nawada
9. Munna Kumar Son of late Bindeshwari Prasad resident of village-
Nardiganj, P.s.- Nardiganj, District- Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 29-09-2022

Heard Mr. Mahendra Prasad Bharti, learned Advocate
for the petitioner; Mr. Alok Ranjan, for the State and Mr. Akash
Chaturvedi for Private Respondent No. 8.



The grant of PDS licence to Respondent No. 8 has been challenged by the petitioner on the ground that his own brother is also a licensee under the PDS scheme, thereby disqualifying Respondent No. 8 from being granted licence.

The response of Respondent No. 8 is that there has been a partition in the family a long time ago and the disqualification applies to such persons who are members of the joint-family.

In response to the aforesaid statement made on behalf of the Respondent No. 8, Mr. Bharti, learned counsel for the petitioner submits that there is no evidence of partition and the Respondent No. 8 has tried to create a document to indicate that there has been a partition in the family, which document is not acceptable.

In any view of the matter, since there is a dispute with respect to selection of Respondent No. 8 for being granted PDS licence, this Court deems it appropriate to refer the matter to the Divisional Commissioner for a final determination.

Should a suitable representation/complaint being preferred before the Divisional Commissioner within a period of



30 days, he shall look into the matter and after hearing all the stakeholders including Respondent No. 8 and Respondent No. 9 (Brother of Respondent No. 8), shall pass a final order within a period of 90 days, giving reasons in support of the decision taken by him.

The aforesaid direction has been passed in view of the notification dated. 21.07.2022 issued by the Government of Bihar in exercise of the powers conferred under Sections 3 and 5 of the Essential Commodities Act, 1955 read with clause 36 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

With the afore-noted direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

SKM/uttam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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