

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8571 of 2021**

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Kundan Kumar @ Kundan Kumar Jaiswal Son of Sri Arun Kumar Jaiswal  
Resident of Ward No. 12, Koshi Road, P.S. - Supaul, Town and District-  
Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food, Commerce and Consumer Affairs, Old Secretariat, Patna
2. The Deputy Director, Food and Civil Supplies, Koshi Division, Saharsa.
3. The District Magistrate, Supaul, District- Supaul
4. The District Supply Officer, Supaul, District- Supaul
5. The Sub Divisional Officer-cum-Licensing Authority, Supaul, District- Supaul
6. The Block Supply Office, Supaul, District- Supaul

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Alok Kumar Agrawal, Advocate |
| For the Respondent/s | : | Mr. S. Raza Ahmad, AAG-5         |
|                      |   | Mr. Alok Ranjan, AC to AAG-5     |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 03-01-2022**

Heard learned counsel for the parties.

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

- (i) For issuance of appropriate writ/order setting aside the order dated 28.02.2019 issued vide Memo No. 330-2, passed by Sub-divisional Officer, Supaul as being wholly illegal, arbitrary and mala fide;



- (ii) For issuance of appropriate writ/order/direction directing the Respondent No. 5 to take a decision for grant of license to the petitioner in view of submission of his application in Form-I as per notification GSR No.1 dt. 20.02.2007 issued under Clause-7 of Public Distribution System (Control) Order 2001 in view of the order dated 31.07.2018 passed in C.W.J.C. No. 11951 of 2018 whereby the Hon'ble Court directed the respondents to treat the earlier application filed by the petitioner in the new advertisement of 2017 or any subsequent advertisement so issued for appointment of PDS dealer;
- (iii) For directing the Respondent No. 5 the licensing authority to appoint the petitioner against the vacancies existed in Ward No. 12 of Supaul Nagar Parishad in view of the resignation of the dealer in the said Ward;
- (iv) For any other relief/reliefs as your lordship may deem fit in the facts and circumstance of this case.

Shri S. Raza Ahmad, learned Additional Advocate General No. 5 invites attention to the provisions of Section 32 of the Bihar Targeted PDS Control Order, 2016.

Shri Alok Kumar Agrawal, learned counsel for the petitioner states that he be permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings under the order referred to supra, within a period of four weeks from today.



Learned counsel for the respondents states that if such proceedings are initiated within a period of four weeks, the issue of limitation shall not come in the way of deciding the petition in accordance with law within a period of six months from the date of institution.

Statement accepted and taken on record.

Ordered accordingly.

The present petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

**(Sanjay Karol, CJ)**

**(Sanjeev Prakash Sharma, J)**

Amrendra/PKP

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