

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5876 of 2022

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Ganesh Das Son of Madan Das Resident of Village-Pipriya Diyara, P.S.-
Pipriya, District-Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply,
Government of Bihar, Patna
2. The Principal Secretary, Food and Civil Supply, Government of Bihar,
Patna.
3. The District Magistrate, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Block Supply Officer, Pipriya, Lakhisarai.
6. Sangita Kumari Wife of Raj Kumar Resident of Village-Karari Pipriya, P.S.-
Pipriya, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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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 : 20-10-2022

1. A hard copy of the rejoinder affidavit has been filed
across the Board.



2. Let it be taken on record.

3. Heard Mr. Ajay Kumar Singh, learned Advocate for the petitioner and Mr. Anisul Haque, for the State.

4. The petitioner, being aggrieved by grant of licence to Respondent No. 6, had earlier come up before this Court vide C.W.J.C. No. 5313 of 2019 when a Bench of this Court vide order dated 06.11.2019 directed the petitioner to avail of his statutory remedy of appeal against the grant of licence. The petitioner preferred an appeal but the same was rejected.

5. It is the contention of Mr. Ajay Kumar Singh, learned Advocate that the basic challenge was not addressed by the Collector and that few of the conditions of licence, namely, that the contender/applicant should be from the same village and that preference be given to a person who has his own godown and not a rented one, have been flouted while granting licence to the Respondent No. 6.

6. The aforesaid grounds were not adverted to by the Appellate Authority, namely, the District Magistrate, Lakhisarai.

7. The other ground of assail is that though the statutory remedy is before the District Magistrate but since, he



had headed the committee which took a decision to grant the licence to Respondent No. 6, it would have been better if the matter would have been decided by the Divisional Commissioner in view of the notification of the Government of Bihar, dated 21.07.2022 issued in exercise of the powers conferred under Sections 3 and 5 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

8. Be that as it may, we find that some of the grounds urged on behalf of the petitioner have not been addressed by the Appellate Authority.

9. We, therefore, direct the petitioner to approach the Revisional Authority as mandated under the Control Order of 2016 and should he do so within a period of 30 days, the Revisional Authority shall, after giving reasonable opportunity to the petitioner to represent his cause and after hearing all the parties including Respondent No. 6, who shall be sent notice, pass a reasoned order.

10. Needless to say that the order so passed shall be communicated to the petitioner, Respondent No. 6 and all other stakeholders.



11. The entire exercise be concluded within a period of 60 days, to be counted from the date of the petitioner bringing a copy of this order and filing a revision petition before the Revisional Authority.

12. With the aforementioned direction/observation, this writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/ashishkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.11.2022
Transmission Date	N/A

