

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19364 of 2021

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Sheela Patel Wife of Angad Singh Patel Resident of Village- Chhotka Kir,
Panchayat- Miriyaon, P.S.- Sonhan, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Old Secretariate, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector, Kaimur at Bhabhua.
4. The District Supply Officer, Kaimur (Bhabhua).
5. The Sub-Divisional Officer (S.D.O.), Kaimur, Bhabhua.
6. The Block Supply Officer, Kaimur (Bhabhua).
7. Kundan Kumar Singh S/o Himanchal Singh Resident of Village- Kir Khurd
alias Chotka Kir, P.S.- Sonhan, District- Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 23-09-2022 Heard Mr. N.K. Agarwal, the learned senior

counsel for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

At the instance of private respondent no. 7, who



had challenged the grant of license to the petitioner before this Court vide C.W.J.C. No. 3547 of 2019, an enquiry was entrusted to the Collector, Kaimur at Bhabhua, who vide his order dated 25.09.2021 has cancelled the license of the petitioner.

Hence the present petition.

Mr. Agarwal, the learned senior advocate of the petitioner has assailed the aforesaid order of Collector, Kaimur at Bhabhua on the ground that it is in the teeth of the procedure prescribed under Bihar Targeted Public Distribution System (Control) Order, 2016. if at all the enquiry was entrusted by this Court to the Collector, the report ought to have been submitted and the matter should have been referred to the Licensing Authority for the consequential / sequel action.

That not having been done, the entire proceeding stands vitiated.

However, since the license of the petitioner has been cancelled against which there is a provision of appeal before the Collector under the Control Order of 2016 but in



view of the Collector himself having cancelled the license of the petitioner and in view of the notification dated 21.07.2022 issued by the Government 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, we direct that in the event of the petitioner making a suitable representation / complaint before the concerned Divisional Commissioner within a period of 15 days, he shall look into the matter and after hearing all the stakeholders, including respondent no. 7, shall pass a final order within a further period of 60 days, giving reasons in support of the decision taken by him.

The order so passed by the authority shall be made available to the petitioner as well as respondent no. 7 forthwith.

We have specifically asked for respondent no. 7 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The order passed by the Collector, Kaimur at



Bhabhua and the consequential orders are though set aside
but till the time final determination is made by the Divisional
Commissioner, the status quo shall be maintained.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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(Jitendra Kumar, J)

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