

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1902 of 2020

=====

Gulam Mustafa Son of Mohammad Idrish Resident of Village- Himatpatti,
P.O.- Kurnocol, Police Station- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate cum Collector, District Muzaffarpur.
3. The Sub Divisional Officer, Muzaffarpur West, District Muzaffarpur.
4. The Marketing Officer, Block Sahebganj, District Muzaffarpur.
5. The Block Supply Officer, Block Sahebganj, District- Muzaffarpur.
6. The Block Development Officer, Block- Sahebganj, District- Muzaffarpur.
7. The Circle Officer, Circle- Sahebganj, District- Muzaffarpur.
8. Munna Kumar Son of Jag Mohan Prasad Kushwaha Resident of Village-
Dharopali, P.O.- Kurnowl, Police Station and Block and Circle- Sahebganj,
District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC4
For the Resp. No.8	:	Mr. Amit Kumar Rakesh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 09-11-2022

Heard Mr. Upendra Kumar Chaubey, learned

advocate for the petitioner, Mr. Upendra Pratap Singh for the

State and Mr. Amit Kumar Rakesh for the private respondent

no.8.

On 25.02.2020, this Court, on the basis of

submission advanced on behalf of the petitioner that he had a



better claim than the private respondent no.8 for grant of license, had directed for issuance of notice to the respondent no.8 and also for filing of the counter affidavit by the State in the meanwhile.

Two years have passed by but this matter has been taken up only today for further consideration in the matter.

In the interregnum, the Government has come up with a notification dated 21.07.2022 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.

Keeping in view the nature of dispute between the parties and the notification referred to above, we deem it appropriate to refer the matter to the Divisional Commissioner for the resolution of the dispute with a direction that in the event of the petitioner making a suitable representation/complaint before the concerned Divisional Commissioner within a period of 30 days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including Respondent No. 8, shall pass a final



order within a further period of 90 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 the Respondent No. 8.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2022
Transmission Date	

