

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5181 of 2020

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Anirudh Kurmkar Son of Anantlal Karmkar, Resident of Muhalla- Near Hanuman Mandir, Hasopara, P.O. Kharsota, P.S. Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Divisional Commissioner, Purnea.
3. The District Magistrate Cum Collector, Katihar.
4. The District Supply Officer, Katihar.
5. The Sub- Divisional Officer Cum Licensingn Authority, Barsoi, Katihar.
6. The Block Supply Officer, Azamnagar, District- Katihar.
7. Sant Kumar Mandal, Son of Arun Kumar Mandal, Resident of Village- Kharsota, P.O. Kharsota, P.S. Azamnagar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya
For the Respondent/s : Mr. Alok Ranjan, AC to AAG -5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 03-01-2023 Heard Mr. N.K. Agarwal, the learned senior Advocate for the petitioner and Mr. Alok Ranjan, the learned AC to AAG – 5 for the State.

The petitioner was granted P.D.S. license after his credentials were considered by the District Selection Committee. Later, on a complaint before the Lokayukta, the matter was referred to the District Selection Committee



again for a fresh decision with respect to grant of license.

The District Selection Committee recommended for cancellation of license of the petitioner, pursuant to which recommendation, the Licensing Authority has cancelled the license of the petitioner.

Several grounds have been raised by Mr. Agarwal, the learned senior Advocate for the petitioner including the fact that the jurisdiction exercised by the Lokayukta in entertaining any complaint against the petitioner and referring the matter to District Selection Committee for a fresh consideration was without jurisdiction.

Nonetheless, considering the fact that after fresh consideration, respondent no. 7 has been granted license in place of the petitioner, we deem it appropriate that the matter be enquired into by the Divisional Commissioner. This we say 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



and we direct that in the event of the petitioner making a suitable representation / complaint before the concerned Divisional Commissioner within a period of 30 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 respondent no. 7 to be heard by the Divisional Commissioner as the present order is being passed in his absence.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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