

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5622 of 2023

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Md. Meharban Alam Son of Md. Mobarak Alam Resident of Village-
Hatgachhi, P.O.- Tauli Kola, P.S.- Amour, District- Purnia Bihar- 854330.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner Purnea Division, Purnea.
4. The District Magistrate-cum-Collector, Purnea.
5. The District Selection Committee, Purnea under the Chairmanship of District Magistrate, Purnea.
6. The Sub-Divisional Officer-cum-Licensing Authority, Purnea.
7. The Block Supply Officer, Amour, Purnea.
8. Nisar Ahmad, S/o- Md. Mokarram R/o Village- Bakaniya Toli, Dagrua, Tauli, P.S.- Dagrua, District- Purnea, Bihar- 854330.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 04-09-2023 The present writ petition has been filed for the

following reliefs:-

"I. For quashing the order dated 15.03.2023 in Supply Appeal No. 265/20022 passed (in compliance of the order dated 24.11.2022 passed in CWJC No. 10757/2020) by Respondent No. 3, The Divisional Commissioner, Purnia Division, Purnea whereby and wherein the Appeal preferred by Private Respondent No. 8 has been allowed by directing the competent Authority to cancel the License so granted to the



petitioner, recording the reasons that due to the incomplete application of the petitioner the license issued in favour of the petitioner is not in accordance with the rules and further ordered to grant the said license in favour of the Private Respondent No. 8, which is not sustainable in the eye of law in view of the material evidence, establishing the application of the petitioner to be complete and being held satisfactory after the due verification, certifying the application to be complete by the competent authority, which is/was available on record.

II. To hold and declare that the petitioner is entitled to run the Public Distribution Shop at Amour Block, Panchayat – Bakeniya Baraily, Sub-Division – Baisi, District – Purnia on being otherwise eligible, fulfilling all the criteria required for selection and had rightly been selected as the Public Distribution Dealer on being at the serial no. 1 of the merit list which was prepared after due verification by the concerned Respondents."

2. Learned counsel for the petitioner has stated that the order passed by the Divisional Commissioner is arbitrary, bad and contrary to the provisions of law. That the orders are passed in a cryptic manner without adverting to the grounds raised by the petitioner. Therefore, learned counsel has prayed for allowing the present writ petition.



3. Per contra, the learned counsel appearing on behalf of the respondents has stated that as against the orders of the Divisional Commissioner, the petitioner has a remedy of approaching the Principal Secretary by way of representation and the petitioner may be directed to approach the Principal Secretary by filing a representation against the orders of the Divisional Commissioner and the Principal Secretary may be directed to consider the representation and pass necessary orders.

4. Having regard to the above made submissions, without going into the merits or demerits of the case the writ petition is disposed of with a direction to the petitioner to approach the Principal Secretary within a period of two weeks by way of representation against the orders of the Divisional Commissioner. On such representation being filed, the same shall be considered on its own merits and necessary orders passed. It is needless to mention that all the parties shall be put on notice before passing any order and shall be given an opportunity of hearing. The entire exercise shall be completed by the Principal Secretary as expeditiously as possible preferably within a period of eight weeks from the date of the representation being made by the petitioner herein. Any orders



passed shall be communicated to the parties.

(A. Abhishek Reddy , J)

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