

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18047 of 2021

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Sanju Kumari, Wife of Mukesh Sah, Resident of Village- Jaluvar, P.S.,
District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Madhepura.
2. The Sub Divisional Officer Madhepura, District Patna.
3. The Block Supply Officer Singhareshwar, District-Madhepura.
4. Indrajit Kumar, Son of Bijendra Mandal, Resident of Village-Jaluwar Ward no.7, Panchayat Manpur, P.S.-Singheshwar, District-Madhepura.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 21790 of 2018

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Indrajit Kumar, Son of Bijendra Mandal, Resident of Village-Jaluwar Ward No.7, Panchayat Manpur, Block Singheshwar, Police Station- Gamhariya, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary to Govt. of Bihar, Department of Food and Consumer Protection, Bihar, Patna.
3. The Collector of District Madhepura.
4. The District Co-Operative Officer, Madhepura.
5. The Deputy Collector Land Reforms Madhepura.
6. The Sub-Divisional Officer, Madhepura.
7. The District Supply Officer, Madhepura
8. The Block Supply Officer Singheshwar Block, District- Madhepura.
9. Smt. Sanju Kumari, Wife of Shri Mukesh Sah, Resident of Village-Lalu Tokan, Ward No.1, Panchayat Dular, Piparhi, Police Station- Gamhariya, District- Madhepura.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 18047 of 2021)

For the Petitioner/s : Mr. N. K. Agrawal- Sr. Advocate
Mr. Manoj Kumar Pandey- Advocate

For the State : Mr. Upendra Pratap Singh- Advocate

(In Civil Writ Jurisdiction Case No. 21790 of 2018)

For the Petitioner/s : Mr. Rajesh Kumar Singh- Sr. Advocate



For the State : Mr. Naresh Kumar Mehta- Advocate
Mr. Anisul Haque- Advocate

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

10 17-01-2023 C.W.J.C. No.18047 of 2021 and C.W.J.C.
No.21790 of 2018 have been taken up together and are
being disposed off by this common order.

We have heard Mr. N. K. Agrawal, the learned
Senior Advocate for the petitioner in C.W.J.C. No.18047
of 2021 and Mr. Rajesh Kumar Singh, the learned
Senior Advocate for the petitioner in C.W.J.C. No.21790
of 2018.

Mr. Agrawal contends that if the license of the
petitioner, which was granted to her in the Year 2018,
has neither been suspended nor cancelled, then there is
no reason to stop the supply line.

He submits that only because there is a
challenge to the grant of license to her that the supply
line has been disrupted and the targeted beneficiaries



have been attached to the neighbouring Public Distribution Shop.

Mr. Rajesh Kumar Singh, on the other hand, in his writ petition, submits that the issue has to be decided whether Sanju Kumari (petitioner in C.W.J.C. No.18047 of 2021 and respondent no.9 in the present petition can be allowed to be retained as a licensee even though, she does not hail from the same ward, which was an essential qualification for being considered for grant of license.

We have also come across certain circulars of the Department which reflects that a decision had been taken at the Government level that in case of any court case pending against grant of license, the supply line ought not to be resumed before such court cases are finally concluded.

Nonetheless, in view of such controversy having been raised on behalf of the parties 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 deem it appropriate to direct that if a suitable complaint is filed by Indrajit Kumar (petitioner in C.W.J.C. No.21790 of 2018) before the Divisional Commissioner within a period of 15 days, the Divisional Commissioner shall, after hearing all the stakeholders, pass a final order within a further period of 60 days.

The Divisional Commissioner shall look into the aspect whether the complaint of Indrajit Kumar is genuine or whether Sanju Kumari ought to be retained as licensee and supply line to her shop be resumed forthwith

The order so passed by the Divisional Commissioner shall contain reasons for the conclusions arrived at.

With the afore-noted direction/ observation,



both the writ petitions are disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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