

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12504 of 2018

Ram Balak Yadav, Son of Late Nathuni Yadav, R/o Village-Bhawanipur
Nimaithi, P. S. - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Patna
2. The Principal Secretary, Food and Civil Supply, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Magistrate-cum-Chairman, District Selection Committee, Darbhanga.
5. The District Supply Officer-cum-Secretary, District Selection Committee, Darbhanga.
6. The SDO, Benipur, Darbhanga.
7. The SDO, Biraul, Darbhanga.
8. The Supply Officer, Sadar, Darbhanga.
9. Md. Shamshad Alam, Son of Md. Sameed R/o Village P.O. - Nimaithi, P.S. - Baheri, District - Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanat Kumar Mishra- Advocate
For the Respondent/s : Mr. Arvind Ujjwal-SC-4

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

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 02-01-2023 Heard the learned counsel for the parties.

Mr. Sanat Kumar Mishra, the learned Advocate for the petitioner submits that notwithstanding the fact that the petitioner was adjudged the most suitable person for being granted license, the license was granted to respondent No.9 and not to him on the sole plea that one of his brothers, who is not part of the joint family, was a licensee from before and, therefore, the disqualification under Clause-11 would not apply

to him.

In view of the nature of controversy raised 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 30 days, the Divisional Commissioner shall look into the matter and after hearing all the stakeholders, including respondent No.9, shall pass an appropriate order within next 60 days.

We have specifically asked for respondent No.9 to be heard by the Divisional Commissioner for the reason that this order has been passed in his absence.

With the afore-noted direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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