

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19493 of 2019

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Ritish Kumar @ Reetish kumar S/o Sri Bijay Nandan Mishra Resident of
Village- Marpa Sirpar, P.s.- Maigarganj, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Bihar, Patna
2. The Secretary Department of Food and Civil supply, Bihar, Patna
3. The Collector cum District Magistrate Sitamarhi
4. The Sub Divisional Officer Sadar, Sitamarhi
5. The Block Development Officer Majerganj, Sitamarhi
6. Chandrabir Prasad S/o Late Kishori Prasad Resident of Village- Marpa Sirpar, P.s.- Majerganj, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate
Mr. Uma Kant Tiwary, Advocate
Mr. Kumar Rajdeep, Advocate

For the Respondent/s : Mr. S.Raza Ahmad (Aag5)

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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, A.C. to

A.A.G.-5 for the State.

The petitioner was one of the aspirants for grant of

licence but unfortunately the licence was granted to

respondent no.6.

The petitioner, thereafter, learnt that the



respondent no.6 comes of a family which owns a flour mill, thereby attaching the disqualification to his candidature for being considered for grant of licence. He made a suitable complaint in that regard but such complaint has yet not been addressed.

Be that as it may, considering 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.6, shall pass a final order within next 60 days, giving reasons in support of the decision taken by him.

We have specifically asked for respondent no.6 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)

Sunil/Rishi/-

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