

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19428 of 2019

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Somesh Kumar Tiwari, Son of Ashok Kumar Tiwari, Resident of Village-Kamluchak, P.O.-Maniyarpur, P.S.-Bounsi, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar.
2. The Collector-cum-District Magistrate, Banka.
3. The District Officer-cum-Chairman, District Selection Committee, Banka.
4. The Sub-Divisional Officer (SDO), Banka.
5. The District Supply Officer, Banka.
6. The Block Development Officer (BDO), Bounsi, Banka.
7. The Block Supply Officer, Bounsi, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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

2 15-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“(i) For issuance of writ in the nature of mandamus for commanding and directing the licensing authority under Bihar Targeted PDS (Control) Order, 2016 for grant and issuance of PDS (Public distribution system) Shop License in favour of petitioner in terms of panel of seniority list published by the office of District Supply Officer, Banka in which petitioner name reflected at 1st position in General



category of aforesaid seniority list, but respondent authority in utmost arbitrarily manner has not issued PDS License in favour of the petitioner for Asnaha Gram Panchyat of Bounsi Block, District-Banka without any valid reason.

(ii) For direction to grant stay on PDS shop License for Ashaha Gram Panchyat, Bounsi Block, District-Banka for General category which is likely to be given by the Licensing authority in favour of other person by publishing the new advertisement by the District Magistrate-cum- Chairman, District Selection Committee, Banka.”

3. Without going into the merits or demerits of the case, having regard to the amendment issued by notification dated 21.07.2022 to the Bihar Authority and Public Distribution System Control, II Amendment Order - 2022.

2. The present writ petition is disposed off with a direction to the petitioner to approach the Divisional Commissioner ventilating his grievance.

3. On such representation being made, the Divisional Commissioner shall consider the same on its own merit duly putting all the parties on notice and then passing a reasoned order.

4. The entire exercise shall be completed within a period of four weeks from the date of the receipt of the copy of the complaint by the Divisional Commissioner.



5. It is needless to mention that before passing any order, the Divisional Commissioner shall give an opportunity of hearing to the parties. Any order passed, shall be communicated to the parties.

6. With the above observations, the present Writ Petition stands disposed off to the extent indicated above.

(A. Abhishek Reddy , J)

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