IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14527 of 2026

CNR No. BRHC010914022026

==========

Anuj Kumar Verma Son of Bhrigunath Prasad, Resident of Ward No.- 7, Balua, Panchayat - Dhnauji, Block - Gaunana, P.S.- Vahodra, District- West Champaran (Bihar), PDS License Holder No. 68/2016.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Main Secretariat, Patna.
2. The District Magistrate-cum-Collector, West Champaran at Bettiah.
3. The District Supply Officer, West Champaran at Bettiah.
4. The Sub-Divisional Officer-cum-Licensing Authority, Narkatiaganj, District - West Champaran.
5. The Block Supply Officer, Gaunaha, District- West Champaran.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Anand Kumar Ojha, Sr. Adv.
Mr. Ashok Kumar Karna, Adv.
Ms. Saumya Poddar, Adv.
For the Respondent/s : Mr. Chandra Shekhar Singh, SC-17
Mr. Bhuneshwar Pandey, AC to SC-17

==========

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 29-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondent-State.

2. With the consent of the parties, this writ application is being disposed of at the admission stage itself.

3. In the present writ application, the petitioner has prayed for grant of following reliefs;

"(i) To Issue an appropriate Writ, Order, or Direction, particularly a Writin

WEB COPY

the nature of Mandamus directing Respondent Nos. 4 to immediately resume the usual allotment of essential commodities (food grains) to the PDS shop of the Petitioner bearing License No. 68/2016 at Panchayat-Dhanauji, Block-Gaunaha, District - West Champaran),

(ii) To hold and declare that withholding the allotment of food grains despite formal restoration of the PDS License vide Memo No. 261 dated 30.04.2026 is de hors any statutory provision dealing with the rights of the PDS Licensee after the unconditional restoration of PDS License.

(iii) To hold and declare that under the Control Order 2016 there can be either suspension of PDS License or its cancellation and as such there is no category of PDS License with restored License without any reasons to deny allotment of food grains.

(iv) To hold and declare that it is inherently contradictory to restore the license but with hold the allotment without any such contemplation in the order of restoration of PDS License under Memo No.261 dated 30.04.2026 to enable judicial review for the reasons of denial/witholdment of allotment.

(v) To Issue further declaration that the authorities cannot pre judge the case of the petitioner pending criminal case till conviction by the competent court in as much as that the consequence of conviction

WEB COPY

shall befall only upon conviction and not otherwise.

(vi) To Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;"

4. During the course of argument, learned counsel for the petitioner submits that the petitioner may be permitted to file a fresh representation for release of allotment annexing all the documents before the respondent No. 4 i.e. The Sub-Divisional Officer-cum-Licensing Authority, Narkatiaganj, District- West Champaran and appropriate direction may be issued to dispose of the same within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the respondent does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel appearing on behalf of the petitioner, this writ application is disposed of granting liberty to the petitioner to file a fresh representation/application before the respondent No. 4 i.e. The Sub-Divisional Officer-cum-Licensing Authority, Narkatiaganj, District- West Champaran within

WEB COPY

fifteen (15) days from today and if such a representation/application is filed within the stipulated time then the respondent No. 4 i.e. The Sub-Divisional Officer-cum-Licensing Authority, Narkatiaganj, District- West Champaran is directed to dispose of the same within a period of two months from the date of receipt of the representation/application, after giving an opportunity of hearing to the petitioner.

7. Needless to emphasize that the final order which shall be passed by respondent No. 4 i.e. The Sub-Divisional Officer-cum-Licensing Authority, Narkatiaganj, District-West Champaran should be a reasoned and speaking order.

8. This Court has not expressed any opinion on the merit of the case.

9. With the aforesaid observation/direction and liberty granted, this writ application is disposed of.

10. All pending interlocutory application(s), if any, shall stand disposed of.

(Girijish Kumar, J)

dhaneshwar/-

U			

WEB COPY