

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5623 of 2020

Along with

Interlocutory Application No.01 of 2020

Chandeshwar Prasad Yadav, (Male), aged about 46 years, S/o- Shri Gokhul Prasad Yadav, Resident of ward No. 6, Parsa Dumariya, P.S.- Manjhaulia, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Collector West Champaran, Bettiah.
4. The Sub Divisional Officer-cum- Licensing Authority Bettiah Sadar, West Champaran, Bettiah.
5. The Asst. District Supply Officer- Cum- Block Supply Officer, Manjhaulia, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Respondent/s : Mr. Prashant Pratap, GP 2

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 28-04-2020 Heard learned counsel for the petitioner and learned Government Pleader 2 for the State.

2. The present case has been filed pursuant to permission granted by Hon'ble the Chief Justice and has been heard *vide* video conferencing in view of lock-down prevailing due to the COVID-19 pandemic.

3. Learned counsel for the petitioner undertakes to remove the remaining defects, including bringing on record all



necessary annexures, within one week of the Court's reopening after the lock-down period.

4. The petitioner, *inter alia*, has sought a direction to the respondents to immediately start giving allotment of food grains and kerosene oil to the petitioner, a PDS Dealer, whose license has been restored by the Sub-Divisional Officer-cum-Licensing Authority, Bettiah, Sadar, *vide* Memo No.1536 dated 18.12.2019 pursuant to order dated 04.07.2019 passed in CWJC No.3764 of 2019 by a co-ordinate Bench of this Court.

5. Learned counsel for the petitioner submitted that initially the petitioner had been granted License No.77 of 2016, but for some reason it was cancelled, due to which he had moved before the Collector, West Champaran, in appeal, but the same not being decided forced him to move this Court in CWJC No.3764 of 2019, which was disposed off by order dated 04.07.2019 in the following terms:

“The impugned order is, thus, set aside. The license of the petitioner is restored and the matter is remitted to the Sub-Divisional Officer, Bettiah Sadar to examine the explanation of the petitioner and take a view thereon in accordance with law. A fresh order giving reasons and dealing with the explanation of the petitioner be passed within a period of three months from the date of receipt/production of a copy of this order.”



6. It was submitted that pursuant to the same, the Sub-Divisional Officer-cum-Licensing Authority, Bettiah, Sadar, by order dated 18.12.2019 has restored License No.77 of 2016 in favour of the petitioner with immediate effect. It was submitted that despite that, the authorities are not allotting him the required food grains, kerosene oil etc. for distribution to the beneficiaries, which is causing hardship not only to the petitioner but also to the beneficiaries. It was submitted that many beneficiaries have represented before the District Magistrate, West Champaran, asking him to allot the food grains etc. in favour of the petitioner as they are facing difficulty in getting the food grains from the PDS shop to which they were attached, which is situated four kilometres away from their homes and due to the prevailing lock-down, it was difficult for them to get their supplies of such essential provisions.

7. Learned counsel for the State raised a preliminary objection and submitted that the order of the licensing authority dated 18.12.2019 not being on record, it is difficult to know as to what actually is written in such order. However, he readily agreed with the view of the Court that in the larger interest, the beneficiaries are entitled to receive the food grains through the PDS system, especially in these trying and testing times without



unnecessary delay.

8. Learned counsel for the petitioner submitted that inadvertently copy of the order dated 18.12.2019 could not be uploaded while e-filing but he has forwarded the same to the Registry through e-mail on 25.04.2020. However, the same has not been forwarded by the Registry, either to the Court or learned State Counsel. Thus, the Court called upon learned counsel for the petitioner to read out the order dated 18.12.2019. Upon reading the order by the learned counsel for the petitioner, it transpires that License No.77 of 2016, earlier granted in favour of the petitioner for the PDS shop, stands restored with immediate effect.

9. Having considered the matter, the Court finds that the cause is urgent and has to be addressed immediately, as it deals with the basic requirements of the common people who are alleged to have been deprived of their supplies of essential food grains and other articles through the PDS system of the State.

10. Accordingly, let the petitioner serve a duly self-attested Web Copy of this order on the District Magistrate, West Champaran, upon whom a direction is issued that within 48 hours of receipt of such application he shall get the matter



looked into. If it is found that the order dated 18.12.2019 of the Licensing Authority is in favour of the petitioner, and is still in force, it shall be ensured that the amount of supplies of all articles be actually made to the petitioner for the period for which such supplies have not been made to any other PDS Dealer of the beneficiaries, who have been attached for supply through the PDS shop of the petitioner, in accordance with law, within the next two days, positively. The local administration shall thereafter, through public announcement in the area of the beneficiaries who are to be given supplies through the shop of the petitioner, shall be informed with regard to the supplies having been made available to the PDS shop of the petitioner so that they can get their allotted quantity.

11. The order is being passed on the premise that there is an order restoring license of the petitioner. The District Magistrate, West Champaran, shall, thus, ensure that the order issuing PDS license by the competent licensing authority in favor of the petitioner, still subsists before ensuring compliance of this order.

12. Learned counsel for the petitioner undertakes that he shall ensure that at least the scanned copy of the affidavit bearing signature of the petitioner as well as the duly executed



power accepted by learned counsel for petitioner, are uploaded, by way of e-filing, within one week from today. Further, as earlier undertaken, he shall remove the remaining defect(s) by filing hard copy of the entire application along with annexures, affidavits, requisite Court Fee etc., within one week of the Court's reopening after lock-down.

13. The Court would further indicate that if there is non-compliance of the order by the authorities within the time specified, the petitioner shall be at liberty to file an application bringing it to the notice of the Court.

14. Registry shall place the matter before the Bench if the undertaking by learned counsel for the petitioner, as indicated above with regard to removal of defects and filing of Court fee etc., is not complied with.

15. The writ application along with Interlocutory Application No.01 of 2020 stand disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

