

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4425 of 2023

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Fatma @ Bibi Fatma wife of Md. Sohrab Alam @ Sohrab Alam, resident of
Village- Ward No. 07, Kakan, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Deptt.
Govt. of Bihar, Patna.
2. The District Magistrate, District- Araria.
3. The District Supply Officer, District- Araria.
4. The Additional District Supply Officer, Araria.
5. The Sub- Divisional Officer, Araria, District- Araria.
6. The Block Supply Officer, Block- Jokihat, District- Araria.
7. Shaheen Sultana, wife of Ata Hussain, resident of Village- Kanan, Ward No.
09, P.S.- Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

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

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

4 12-09-2023

Heard the learned counsels for the parties.

2. This writ petition has been filed for seeking the
following relief(s):-

*"I) For issuance a writ in the
nature of Mandamus, or any other
appropriate writ, order or direction to
the respondent authorities who rejected
the application of the petitioner for
P.D.S. (Public Distribution System)
control Order, license without any proper
and formal reason for the
Grampanchayat-Kanan, and also not
fulfill the criteria as provided under the
Public Distribution System (Control)*



Order, 2016, as she belongs to backward female category, for which the PDS license has notified.

II) For issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction to the respondent authorities to re-consider the application of the petitioner for Pds Shop license as the petitioner's name appeared at Sl. 1 in the Merit List of the district Level Selection List.

III) for issuance of a writ in the nature of Mandamus or any other appropriate writ, order, direction to the respondent authorities to cancel the PDS license of the private respondent no.7, name Shaheen Sultana, who has illegally selected by the District Selection Committee, as her own sister in law is Mukhiya of said Grampanchayat."

3. Learned counsel appearing on behalf of the petitioner states that the petitioner has already submitted a representation to the Divisional Commissioner concerned, and direction may be given to the Divisional Commissioner to pass appropriate order on the representation of the petitioner.

4. Learned counsel appearing on behalf of the respondents states that as per the amendment order *Bihar Targeted Public Distribution System (Control) Second*



Amendment Order, 2022, the Divisional Commissioner is competent authority for disposing of any complaint or representation made by an aggrieved party.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has a remedy of filing a complaint before the Divisional Commissioner as per the amendment made vide notification dated 21.07.2022 under ***Bihar Targeted Public Distribution System (Control) Second Amendment Order, 2022*** . The petitioner is directed to approach the Divisional Commissioner ventilating his grievance within a period of four weeks from the date of receipt of the order. On receipt of the complaint, the Divisional Commissioner shall pass necessary orders strictly in accordance with law within a period of eight weeks thereof. It is needless to mention that before any order passed, all the parties shall be put on notice and given an opportunity of hearing, besides and submitting their objections. Any order passed shall be communicated to the parties.

6. With the above said directions, the writ petition stand disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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