

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7401 of 2023

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Ranjit Kumar Sonkar S/o Sri Shravan Kumar Sonkar Resident of Village-
Hetimpur, P.S.-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food Civil Supplies and Consumer
Affairs, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Rohtas (Sasaram),
4. The Sub Divisional Officer-Cum-Licensing Authority, Sasaram, Rohtas,
5. The Circle Officer, Rohtas (Sasaram) Circle Officer, Sasaram, District
Sasaram Rohtas.
6. Rajesh Kumar Son of Kameshwar Prajapati, Resident of Village-Hetimpur,
P.S.-Sasaram, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Jubair Ansari
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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

4 29-11-2023 Heard the learned counsels for the parties.

The present writ petition has been filed for the
following relief(s):-

*“i For issuance of a writ
in the nature of certiorari or any
other appropriate writ for quashing
the part of decision taken in District
Level Selection Collectorate, Rohtas
Committee, (Sasaram) Supply
Branch, vide Memo No.- 138 dated
30.01.2021 issued under the
signature of District Magistrate,
Rohtas (Sasaram) whereby and
whereunder application of one
Rajesh Kumar (Respondent No.-6)
for issuance of license of public
distribution system shop in
Mahaddiganj Panchayat within
Sasaram Block has been accepted by
the District Selection Committee in*



place petitioner. of application of petitioner.

ii. For issuance of a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to issue license of public distribution shop in Mahaddiganj Panchayat within Sasaram Block in favour of petitioner after setting aside the decision taken by the District Selection Committee in respect of Rajsh Kumar (Respondent No.6) vide Memo No. 138 dated 30.01.2021 issued under the signature of DM, Rohtas, Sasaram.

iii. For holding that the act of respondent in denying License to petitioner is quite arbitrary, capricious, not acceptable in the eye of law as well as violative of principle of natural justice.

iv. For issuance appropriate writ of any other or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Even though the learned counsel appearing on behalf of the petitioner has argued at length on merits of the case, this Court is not inclined to go into the same as the petitioner has an alternative and efficacious remedy of filing a complaint before the Divisional Commissioner.

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 the



competent authority for disposing off 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 Commission 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 against a selection of the Respondent No. 06 as a PDS dealer within a period of four weeks from the date of receipt of a copy of this order. On receipt of the complaint, the Divisional Commissioner shall pass orders strictly in accordance with law within a period of eight weeks thereof. It is needless to mention that before passing any order, all the parties shall be put on notice and given an opportunity of hearing, besides submitting their objections. Any order passed shall be communicated to the parties.

6. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy, J)

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