

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7447 of 2023

Divakar Kumar, S/O Yadunandan Singh, R/O- Village- 69, Mandir-Tola, Bishnupur, Beldaur, P.O.- Bishnupur, Block and P.S.- Beldaur, Sub-Division- Gogri, District- Khagariya, Division- Munger, Bihar, PIN-852161.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Khagariya.
3. The District Supply Officer, Khagariya.
4. The Sub-Divisional-cum-Licensing Authority, Gogri, Khagariya.
5. The Block Supply Officer, Beldaur, Khagariya.
6. Sanjay Yadav Nirala, S/O Vaidyanath Yadav, R/O Village- Mali, P.S.- Beldaur, Block- Beldaur, Sub-Division- Gogri, District- Khagariya, Division- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Adv.
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5.

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

2 15-09-2023

Heard the learned counsels for the parties.

2. This writ petition has been filed for the following

relief(s):-

“For quashing and set aside the Impugned decision taken by the Collector Khagariya dated 01.01.2021 vide Memo No.01/Mukhyalay, Collector Khagariya (Annex.-6) and subsequently Impugned order passed by the S.D.O. Gogri, vide Memo No. 71 dated 08.03.2021 (Annexure-7), Impugned Order dated 08.04.2022 passed by the



Divisional Commissioner, Munger in Supply Revision No.07/2022,(Annexure-10) along with Impugned decision taken by the Collector Khagariya vide Memo No.02/Mukhyalay dated 06.03.2023 (Annexure-11).

ii. For issuance of a Mandamus directing commanding the respondent authorities to restore the P.D.S License No. 27/B/2019 of petitioner and start the allotment of entire grains and others materials for the Beneficiary.

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 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 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 said directions, the writ petition stand disposed of.

(A. Abhishek Reddy , J)

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