

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12806 of 2023

Sanjeet Kumar, S/o Tapeswar Prasad, resident of Village- Dhobri,
Panchayat- Bishunpur Okari, Post- Jaitipur Kurua, Block - Modanganj, P.S. -
Ghoshi, District - Jehanabad, Bihar - 804432.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principle Secretary, Food and Consumer Protection Department, Bihar.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, District Jahanabad.
4. The Sub-Divisional Officer-cum-Licensing Officer, Sub Divisional Office, Jahanabad.
5. Devendra Kumar, S/o of Devnandan Prasad, R/o Vill. - Khakhar, Block - Modanganj, P.S. - Ghoshi, Dist. - Jahanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar,Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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

2 19-10-2023 Heard the learned counsels for the parties.

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

“i. For issuance of appropriate writ in the nature of certiorari for quashing the order dated 18.05.2023 passed by learned court of commissioner, Magadha division, Gaya in having Supply Revision case Number 184/2022 as contained in Annexure-P2

ii. For issuing a writ in the nature of mandamus for re-examine the selection of respondent no. 5 and utilising the issued license illegally by the Respondent No.5 and issue a new license to run public



distribution system shop under Bihar Targeted Public Distribution System (Control) Order, 2016 against Advertisement No.01/Aa/2017dated 04.12.2017”.

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. 5 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.

Bhardwaj/-

(A. Abhishek Reddy , J)

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