

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13457 of 2022

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Yashwant Singh S/o Hira Singh, R/o Village-Amarpura, P.O.-Belaudi, P.S.-
Mohania, Block-Mohania, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Bihar, Patna.
2. The District Magistrate, Kaimur (Bhabua).
3. The Sub Divisional Officer, Mohania, District Kaimur.
4. The District Supply Officer, Kaimur (Bhabua).
5. The Block Supply Officer, Mohania, District-Kaimur.
6. Vikash Kumar Singh, S/o Late Sant Prasad Singh, R/o Village-Belaudi, P.O.-Belaudi, P.S.-Mohania, District-Kaimur (Bhabua).
7. Rajnish Kumar Singh, S/o Sugriv Singh, R/o Village- Beraga, P.O.-Belaudi, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhash
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

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

6 16-04-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to issue Fair Price Shop license under Clause-8 of Bihar Targeted PDS (Control) Order 2016 to the petitioner against backward category within Belaudi Panchayat under Kaimur District.

(ii) To quash the decision taken by District Selection Committee headed by the District Magistrate, Kaimur (Bhabua)



whereby and where under private respondent has been considered for selection of PDS dealer against backward category within Belaudi Panchayat under Kaimur District.

(iii) To direct the respondents to issue fair price shop license taking into consideration that petitioner fulfills all the requisite criteria as provided in Clause 9 of the PDS Control (Order) 2016.

(iv) To any other relief/s to which the petitioner may be found entitled 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 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 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 Nos. 6 & 7 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 of.

(A. Abhishek Reddy, J)

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