

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15716 of 2022

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Prawez Alam Son of Rahamutullah, Resident of Village- Mahmada, P.O.-
Barka Balua, P.S.- Patahi, District- East Champaran ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
 2. The District Magistrate-cum-Collector, East Champaran at Motihari.
 3. The District Supply Officer, Motihari, District- East Champaran.
 4. The Sub. Divisional Officer, District- East Champaran.
 5. The Block Supply Officer, Patahi, District- East Champaran.
 6. Narendra Kumar Mukhiya Son of Pundeo Mukhiya, Resident of Village- Dumri Govind, P.O.- Barka Balua, P.S.- Patahi, District- East Champaran.
- ... Respondent/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Adv.
For the Respondents : Mr. Md. Anisul Haque, AC to AAG V

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

9 10-09-2024 Heard the parties.

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

“i) For issuance of an appropriate writ, order or direction especially for the writ of Certiorari to quash the P.D.S. License No. 34/2019 issued in the name of Narendra Kumar Mukhiya, the Respondent No. 6, by S.D.O., Pakarideyal, the Respondent No.4 in illegal and arbitrary manner, by ignoring the order/direction of Hon'ble High Court passed in C.W.J.C.No.24191 of 2018 vide order dated 08.04.2021 and submitted the illegal and baseless report by the District Supply Officer, Motihari (Respondent No. 3) in favour of private respondent no. 6.



ii) For issuance of an appropriate writ, order or direction to set up an enquiry by the level of District Magistrate, exclusively District Supply Officer, Motihari, who submitted collusive, illegal, wrong and baseless report in favour of Narendra Kumar Mukhiya, by ignoring the objection filed by the petitioner.

iii) For issuance of an appropriate writ, order or direction in the nature of writ of Mandamus, commanding and directing the respondents concerned specially to the S.D.O., Pakarideyal to issue the P.D.S. Licence in favour of petitioner in place of respondent no. 6.

iv) Any such other relief/reliefs to which the petitioner is entitled too.”

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. 6 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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