

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19017 of 2018

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Vinay Kumar Singh Son of Late Ambika Singh Resident of Village-
Bagitpur,Panchayat Amakuma,P.S. Tekari,Distt.-Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary,Food Civil Supply Department,Govt. of Bihar,Patna
3. The District Magistrate-cum-Collector,Gaya
4. The Sub-Divisional Officer,Tekari,Distt.-Gaya
5. The Block Supply Officer,Tekari,Distt.-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Respondent/s : Mr.S. Raza Ahmad- AAG-5

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

12 06-12-2024

1. The writ petition is filed for:-

(i) Issuance of appropriate writ for setting aside the order dated 05.03.2018 passed by the Divisional Commissioner, Magadh Division, Gaya by which the Divisional Commissioner was pleased to dismiss the Supply Revision Case No. 08 of 2017.

(ii.) Further, to set aside/quash the order dated 10.11.2016 passed by the District Magistrate, Gaya in Supply Appeal No. 34 of 2016 whereby the District Magistrate, Gaya dismissed the appeal of the petitioner.

(iii) Further for issuance of the writ of certiorari for setting aside the order dated 27.02.2016 issued by the Sub-Divisional Officer, Tekari, Gaya vide



Memo No. 145 whereby the respondent No. 4 has cancelled the PDS license of the petitioner.

(iv) Further, for issuance of any writ or direction for which the petitioner shall be found entitled.

2. The Learned counsel for the State submits that there is a provision of appeal under Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 which reads as follows:-

“The Principal Secretary/ Secretary of the department may call for the records related to the order passed under the provisions of this Order by the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer suo motu or upon a representation by someone, and if he is satisfied that the Divisional Commissioner or the District Officer or the licensing authority or the Sub Divisional Officer

(a)has exercised such powers which are not entrusted to him,

(b)has exercised his powers illegally without considering the facts of the case,

(c)has failed in use of his powers, he may pass an order which he thinks fit.”

3. On perusal of the record, it is evident that the



petitioner without availing remedy of appeal before the Principal Secretary/Secretary has approached before this Court challenging the orders of the Divisional Commissioner/District Magistrate and the Licensing Authority.

4. In view of the aforesaid fact, petitioner is directed to file a fresh representation raising all issues before the Principal Secretary/Secretary of the concerned Department.

5. With the aforesaid observation, the Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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