

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12293 of 2018

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Kamini Devi @ Kamni Devi W/o late Keshav Kumar Choudhary Resident of
Village- Madhopur Dullam @ Dhebhan, P.S. Kanti, District- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection
Department, Bihar, Patna
 2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
 3. The District Magistrate-Cum-Collector, Muzaffarpur.
 4. The Sub- Divisional Officer, West, Muzaffarpur.
 5. The Block Supply Officer, Kanti, Muzaffarpur
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advcoate
For the Respondent/s : Mr. Arvind Ujjwal- SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 09-07-2025

1. The petitioner has filed the Writ petition
for the following reliefs:

*“ (I). for quashing of the order
dated 20.10.2004 contained in
memo no. 364 dated 20.10.2004
passed by learned S.D.O., (West)
Muzaffarpur by which the PDS
license of the petitioner has been
cancelled and also for quashing the
appellate order dated 08.01.2016
passed in PDS Appeal No. 19/2007-
08 passed by the learned Collector-
cum- District Magistrate,
Muzaffarpur by which the statutory*



appeal filed on behalf of the appellant has been dismissed and further for quashing the order dated 13.02.2018 passed in PDS Revision Case No. 147 of 2017 passed by the learned Divisional Commissioner, Muzaffarpur by which the revision filed on behalf of the petitioner has been dismissed and the original order of the learned S.D.O. as well as the appellate order passed by learned Collector, Muzaffarpur was affirmed and further be pleased to restore the PDS license of the petitioner.”

2. At the outset, the Learned Counsel for the respondents draws the attention of this Court to Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 is reproduced hereinbelow:

“32. (vii) 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 moto 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.”

4. Heard the Learned counsel for the petitioner and the Learned counsel for the respondents.

5. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of filing a representation available under Section 32(vii) of the Bihar Targeted Public Distribution System



(Control) Order, 2016.

6. Taking into consideration, without going into the merits or demerits of the case, that the petitioner has an alternative remedy of filing a representation before the Principal Secretary, under Section 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 against the impugned orders, the writ petition is disposed of with a direction to the petitioner to file the representation within four weeks from the date of receipt of this order before the Principal Secretary. The delay in filing the representation, if any, shall be condoned by the Principal Secretary, and the authority shall dispose of the representation within three months from the date of filing of the same.

6. It is needless to mention that before passing any order, all the concerned parties shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

7. With the above observations, the present writ petition stands disposed of.



8. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NAFR
Uploading Date	10.07.2025
Transmission Date	

