

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18131 of 2017

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Padum Lal Yadav S/o Ajay Lal Yadav, resident of Village- Balua Jagir,
Panchayat- Jhala, P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The Collector-cum- District Magistrate, Kishanganj.
3. The Sub- Divisional Officer, Kishanganj.
4. The District Statistics Officer, Kishanganj, District- Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate
For the Respondent/s : Mr.Bijoy Kumar Sinha, AC to AAG-V

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 24-01-2025

1. The Writ petition has been filed for quashing the notice dated 22.09.2014 as well as the order contained in Memo No. 957 dated 15.11.2014, passed by the Learned Sub Divisional Officer, Sadar, Kishanganj, whereby the PDS license of the petitioner, was canceled being License No. 23TR of 2007 and for further quashing the order dated 20.06.2017 passed in PDS Appeal Case No. 03/2015 by the Learned District Magistrate-cum-Collector, Kishanganj by which the statutory appeal has been



rejected and for restoring the license of the petitioner.

2. During the course of arguments, it is contended by the Learned counsel for the respondents that an alternative remedy available to the petitioner under Section 32(6) of the Bihar Targeted PDS (Control) Order, 2016 and that petitioner instead of availing the said alternative remedy has approached this Court by way of a Writ petition. It is further contended that Section 32(7) of the Bihar Targeted PDS (Control) Order, 2016 provides an additional remedy before the Principal Secretary of the Department against the order of the Divisional Commissioner.

3. Heard the arguments of the Learned counsel for the petitioner and the Learned counsel for the Respondent-State and perused the record.

4. On perusal of the record, it is evident that the petitioner has filed the Writ petition against the order passed in PDS Appeal No. 03 of 2015 dated 20.06.2017 by the District Magistrate-cum-Collector, Kishanganj.



5. Admittedly, as per the appeal provisions under Section 32 of Bihar Targeted PDS (Control) Order, 2016, it is evident that the Writ petition lies against the appellate order as well as the revisional order. Further, the Writ petition order can also be challenged before the Principal Secretary under clause (7) of Rule 32 of Bihar Targeted PDS (Control) Order, 2016. Therefore, without going into the merits of this case, this Court directs the petitioner to avail the alternative remedy before the Divisional Commissioner.

6. The petitioner shall approach the Divisional Commissioner within four weeks from the date of the receipt of a copy of this order.

7. In turn, the Divisional Commissioner shall dispose of the petition within two months, as stipulated under sub-rule (6) of Rule 32 of Bihar Targeted PDS (Control) Order, 2016.

8. As the Writ petition was filed in the year 2017, any delay in the limitation that shall be liberally construed by the Divisional Commissioner.



9. With the above direction, the Writ petition
is disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.02.2025
Transmission Date	N/A

