

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17678 of 2018

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Chandra Shekhar Sah Son of Prabhu Prasad Sah, Resident of Village-Madhay,
Police Station-Rajoun, District-Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Divisional Commissioner, Bhagalpur Division, District-Banka.
3. The District Magistrate, Banka.
4. The Licensing Authority-Cum-Sub Divisional Officer, Banka, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Arvind Ujjwal - SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 30-07-2025

1. The Writ petition is filed for the following
reliefs:-

“(A) For quashing and setting aside the order passed by the Licensing Authority-cum-Sub Divisional Officer, Banka and issued the same vide memo no. 59, dated 16.01.2013, whereby and whereunder license of the petitioner's fair price shop bearing no. 69/12, has been cancelled as contained in (Annexure-1) and quashing/setting aside the order dated 30.09.2016, passed by



the learned Collector, Banka in Supply Appeal No. 227/12-13 contained in (Annexure-2) and quashing/ setting aside the order dated 23.07.2018/31.07.2018 passed in Misc. (Supply) Revision Case No. 14/2018-19, passed by the learned Divisional Commissioner, Bhagalpur, as contained in (Annexure-3) whereby and whereunder the Revision preferred against the order of the learned Collector has been dismissed on erroneous consideration of law and facts.

(B) A writ of Mandamus commanding the Respondents to restore the petitioner's license by Fair Price Shop bearing license No. 69/12, with immediate as existing before and to make allotment for the petitioner's shop.

(C) Any other relief/s for which the petitioner may be entitled."

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 one month 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.



7. 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.

8. With the above observations, the present writ petition stands disposed off.

9. Interlocutory Application(s), if any, shall stand disposed off.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	

