

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18325 of 2018

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Domi Paswan son of Late Biranchi Paswan, Resident of Village- Mahkhar,
P.S. and Block- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Supply Department, Govt. of Bihar,
Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The District Supply Officer, Saharsa.
6. The Sub Divisional Officer-cum- Licencing Authority, Simri Bakhtiyarpur,
District- Saharsa.
7. The Block Development Officer, Simri Bakhtiyarpur, District- Saharsa.
8. The Block Supply Officer, Simri Bakhtiyarpur, District- Saharsa.
9. The Mukhiya, Gram Panchayat, Mahkhar, P.S. Simri Bakhtiyarpur, District-
Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha
For the Respondent/s	:	Mr. Arvind Ujjwal- Sc4

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

Date : 29-07-2025

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

*(I). For setting aside the order
dated 25.03.2008 passed by the
Sub- Divisional Officer, Simri,
Bakhtiyarpur as contained in
Gayapank-957-2 Simri, Bakhtiyarpur
dated 25.03.2008 cancelling the
license of the petitioner with
immediate effect.*



(II). For Setting aside the order dated 28.05.2012 by the District Magistrate, Saharsa, in supply Appeal Case No. 49 of 2008-09 dismissing the appeal aforesaid preferred by the petitioner against the order dated 25.03.2008 by the SDO, Simri, Bakhtiyarpur aforesaid cancelling the license of the petitioner.

(III). For setting aside the order dated 06.06.2018 passed by the Divisional Commissioner, Koshi Division, Saharsa Vs. State in supply Revision Case No. 434 of 2013 (Domi Paswan Vs. State) Whereby and whereunder the said revision has been dismissed confirming the order dated 28.05.2012 passed by the District Magistrate, Saharsa in the aforesaid supply Appeal No. 49/ 08-09 preferred by the petitioner against the order dated 25.03.2008 by the Sub-Divisional Officer, Bakhtiyarpur aforesaid cancelling the license of the petitioner.

(IV). For stay of the operation of the impugned orders.

(V). For any other relief/reliefs,



direction/directions, writ/writs to which the petitioner may be found entitled in the facts and circumstances of the case.

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.

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 of.

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

(G. Anupama Chakravarthy, J)

Manish/-

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

