

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19068 of 2018

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Arun Kumar Sinha S/o Gupteshwar Prasad Sinha, Resident of Village- Dugul,
P.S.- Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Aurangabad.
3. The Sub Divisional Officer, Aurangabad.
4. The Block Supply Officer, Barun, District- Aurangabad.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-07-2025

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

“(I) For setting aside the order dated 23.08.2017 passed in Supply Misc. Case No. 44 of 2017 by the learned S.D.O., Aurangabad by which the PDS license being license no. 04/R/1985 granted under the provisions of PDS Order for carrying on business of Fair Price Shop has been cancelled and also for quashing the appellate order dated 23.07.2018 passed in PDS Appeal Case No. 58/2007 passed by the learned



Collector-cum-District Magistrate, Aurangabad by which he was pleased to dismiss the appeal and affirm the order dated 23.08.2017 passed by the learned S.D.O., Aurangabad and further be pleased to restore the PDS license of the petitioner and also restore the supply 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 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	28.07.2025
Transmission Date	

