

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7521 of 2019

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Md. Nazirul Haque Son of late Md. Yakub Resident of Village- Panchpakari,
P.S. Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Additional Secretary, , Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division at Muzaffarpur.
5. The Collector Cum District Magistrate East Champaran.
6. The Sub-Divisional Officer(SDO), Sikarhana, Dhaka, East Champaran.
7. The District Supply Officer, East Champaran.
8. The Block Supply Officer, Dhaka, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 16-09-2025

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

*“A. For issuance of writ in nature
of certiorari for quashing or set aside the
order dated 04-12-2018 passed by the
Commissioner, Tirhut Division at
Muzaffarpur in PDS Revision Case No.
160/2017 whereby and where-under
learned Commissioner mechanically*



dismiss the said PDS revision and upheld the order dated 12-09-2015 passed by the District Magistrate, East Champaran in Case No. 57/2015 and order dated 26-12-2014 passed by the SDO, Dhaka, East Champaran vide Memo No. 357, without considering the fact that petitioner was not served enquiry report, not got any opportunity to cross examine the complainant or witnesses, not got reasonable opportunity of hearing and further respondent authority in complete violation of natural justice deprive the petitioner to present his defense against the alleged charge.

B. For quashing the order dated 12-09-2015 passed by the District Magistrate, East Champaran in Case No. 57/2015 and order dated 26-12-2014 passed by the SDO, Dhaka, East Champaran vide Memo No. 357 whereby and where-under both the respondent authority in most mechanical way without applying judicial mind passed the aforesaid order for cancellation of petitioner PDS License 81/2007-08.

C. For commanding and directing the licensing authority to restore the PDS License No. 81/2007-08 in favour of the



petitioner and allow him to continue with the supply of food grains and other items covered under the said license, so that petitioner can continue his livelihood.

D. And for any other reliefs/reliefs for which the petitioner is found entitled under the provision of law involved in the present 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 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 of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.09.2025
Transmission Date	N/A

