

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13666 of 2017

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Khenhari Ram son of Late Udi Ram, Resident of Village- Govind Fandah,
P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Conservation Department, Government of Bihar, Patna
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate- cum-Collector, Sitamarhi, District- Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi Sadar-cum-Licensing Authority, District- Sitamarhi.
5. The Additional Collector Departmental Enquiry, Sitamarhi, District- Sitamarhi.
6. The Block Supply Officer, Dumra, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s	:	M/s Manish Kumar, GP 4
		Sanjay Parasmani, AC to GP 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-07-2025

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

“ (I). For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 21.03.2017 passed by the Respondent no.2 in P.D.S. Revision Case No. 40 of 2017, whereby and where under the Respondent no.2 has been pleased to reject the revision case filed by the petitioner



by saying that there is no need for interfering the order passed by the learned court below.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 23.12.2016 passed by the Respondent no.3 in Supply Appeal Case No.50 of 2016 whereby and where under the Respondent no.3 has been pleased to reject the appeal filed by the petitioner and affirm the order dated 10.06.2016 passed by the Respondent no.4.

(III) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 10.06.2016 passed by the Respondent no.4 and contained in his memo no.245 dated 10.06.2016 whereby and where under the Respondent no.4 has been pleased to cancel the license of the petitioner under the Public Distribution System (hereinafter referred to as P.D.S.) and the consumers of the petitioner's shop has been attached with the nearest dealer on the ground that the



aforesaid order has been passed by the Respondent no.4 without any consideration to the show- cause filed by the petitioner in response to the show-cause notice issued against him.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to restore the license and supply of the petitioner's shop which has been terminated in most arbitrary and unlawful manner.

(V) For issuance of any other writ/writs, order/ orders, direction /directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

2. At the outset, the Learned Counsel for the respondents draws the attention of this Court to Rule 32 (vii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

3. For better appreciation of the facts of the case, Rule 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. 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 Rule 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.

6. 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.

7. With the above observations, the present writ petition stands disposed of

8. Interlocutory Application(s), if any,



shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2025
Transmission Date	

