

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13003 of 2017

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Ruplal Prasad Son of Late Chintaman Prasad resident of Village - Punas, P.S.
- Madhubani, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The Sub-Divisional Officer, Pakri Dayal, Motihari, East Champaran.
5. The District Supply Officer, East Champaran, Motihari.
6. The Block Supply Officer, Tetariya, District - Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.A. Ujjwal - Sc4

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

Date : 01-09-2025

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

“(i) For issuance of writ of certiorari quashing the order dated 20.04.2017 passed by the Commissioner, Tirhut Division, Muzaffarpur in P.D.S. Division No. 66 of 2017 by which the revision was dismissed.

(ii) For issuance of writ of certiorari quashing the order dated 18.11.2016 passed by the District



Magistrate, Motihari in a (Supply) Case No. 46 of 2015 by which petitioner Appeal has been rejected.

(iii) For issuance of the writ of certiorari quashing the order dated 10.01.2015 passed by Sub-Divisional Officer, Pakri Dayal cancelling the license No. 192/07 of the petitioner in respect of a shop of Public Distribution System at Lahaladpur Panchayat, Tetariya.

(iv) For issuance of a direction upon the respondents to allow the petitioner to run his shop in question.

(v) For other necessary relief/reliefs to which the petitioner is 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 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	01.09.2025
Transmission Date	N/A

