

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22099 of 2018**

Prabhu Nath Singh S/o late Jamadar Singh R/o Village- Semari, P.S.  
Mashrakh, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate, Saran at Chapra.
5. The Senior Deputy Collector, Saran at Chapra.
6. The Supply Inspector, Lahladpur, District- Saran.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                 |
|----------------------|---|---------------------------------------------------------------------------------|
| For the Petitioner/s | : | M/s N.K.Agrawal, Sr. Advocate<br>Rajesh Kumar Singh<br>Diksha Kumari, Advocates |
| For the Respondent/s | : | Mr. S. Raza Ahmad- AAG 5                                                        |

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**  
**Date : 24-03-2025**

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

*“That this application is being filed  
for issuance of an appropriate writ  
or writs, order or orders, direction or  
directions setting aside the order  
dated 28.07.2018 passed by the  
learned court of Commissioner,  
Saran Division, Chapra vide  
187/2017 dismissing the revision  
petition of the petitioner and*



*affirming the order dated 01.12.2017 passed by the learned court of District Magistrate, Saran at Chapra vide Supply Appeal Case No. 13/2017 dismissing the appeal of the petitioner and affirming the order dated 11.02.2017 vide memo no. 292 passed by the S.D.O. Marhowra cancelling the licence of the PDS shop of petitioner bearing licence no. 62/07 (43/16 new)."*

2. At the outset, the Learned Senior Counsel for the petitioner 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 Senior counsel for the petitioner and the Learned counsel for the respondents.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and effective 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 order. The



present writ petition is disposed off granting liberty to the petitioner to file a representation before the Principal Secretary challenging the order of the Revisional/Appellate Authority and order of cancellation withing a period of two months from today. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law.

6. Further, if there is any delay in preferring the representation, the authority shall liberally construe the limitation period as the petitioner has approached this Court within time.

7. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed within a period of two months from the date of receipt of the representation. 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)

Spd/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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