

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23868 of 2018

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Upadhyay Prasad Sah Son of Jagdish Prasad Sah, resident of Village- Belhar,
P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Banka.
5. The Sub Divisional Officer, Banka.
6. The Block Supply Officer, Belhar, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sushmita Mishra, Adv. Mr. Kumar Gaurav @ Gaurav Labh, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

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

*(I) For issuance of a rule in the
nature of writ of certiorari for
quashing the order dated
29.06.2018 passed by Respondent
No. 3, the Commissioner, Bhagalpur
Division, Bhagalpur whereby and
where under the Miscellaneous
Supply Revision Case No. 13/2018-*



19 filed by the petitioner against the order dated 24.06.2016 passed by respondent No. 4, the District Magistrate, District-Banka, in PDS Appeal No. 11/15-16 affirming the order dated 20.03.2015 passed by the respondent No. 5, Sub-Divisional Officer, Banka cancelling the licence of the petitioner has been dismissed.

(ii) For issuance of a rule in the nature of writ of Mandamus commanding the respondent authorities to revoke the cancellation of the aforesaid licence of the petitioner for the benefit of the beneficiaries 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 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.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.08.2025
Transmission Date	

