

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23157 of 2018

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Birendra Paswan Son of Tikam Paswan, resident of Village- Hemja, P.S.-
Wagirganj, and District- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The Director, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
4. The Commissioner, Magdh Division Gaya at Gaya.
5. The District Magistrate cum Collector Gaya at Gaya.
6. The District Supply Officer Gaya at Gaya.
7. The Sub-Divisional Officer Sadar, Gaya at Gaya.
8. The Block Supply Officer Wazirganj, P.S.- Wazirganj, District- Gaya.
9. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Gaya at Gaya.
10. The Assistant Godown Manager, Bihar State Food and Civil Supply Corporation Ltd. Wazirganj, Distric
11. The Secretary, Food and Consumer Protection Department Govt. of Bihar, at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Singh, Adv
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

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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:

*“(a) For quashing the order dated
21.07.2017 passed in Supply Revision
Case No. 60/2017 (Annexure-P/13) which
has been rejected vide order passed by*



the Learned Court of Commissioner, Magadh Division, Gaya, whereby and whereunder the Revision application filed by the petitioner against the order dated 13.03.2013 passed in Supply Appeal Case No. 02/13 (Annexure-P/9) passed by the Learned court of the District Magistrate, Gaya who had refused to interfere in the order dated 18.02.2012 contained in Memo No. 294 (Annexure-p/4) passed by the Sub Divisional Officer, Sadar, Gaya by which the license of Public Distribution shop of the petitioner has been cancelled and further order to restore the license of the petitioner for Public Distribution Shop in its original.

(b) For quashing the order dated 13.03.2013 passed in Supply Appeal No. 02/13 passed by the learned Court of the District Magistrate, Gaya who had refused to interfere in the order dated 18.02.2012 contained in Memo No. 294 passed by the Sub-Divisional Officer, Sadar, Gaya.

(c) For quashing the order dated 18.02.2012 contained in Memo No. 294 passed by the Sub Divisional Officer, Sadar, Gaya by which the license of Public distribution shop of the petitioner has been cancelled.



(d) For grant of any other relief/reliefs for which the petitioner may be found entitled there too.

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 before the Principal Secretary within



one month from the date of receipt of this order. 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.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.09.2025
Transmission Date	

