

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13210 of 2018

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Jamuna Mandal Son of Late Bideshi Mandal Resident of Village - Bakilganj,
P.O. - Dobhi, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Consumer Protection Department, Patna
2. The Director, Food and Consumer Protection Department, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Sub Divisional Officer, Sherghati, Gaya.
6. The Block Supply Officer, Dobhi, District -Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmed -AAG 5

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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:

*“ for quashing of order dated
06.02.2016 passed by Sub Divisional
Officer Sherghati, Gaya in Case No.
04 of 2016 whereby the PDS License
of petitioner bearing License No.
421 of 2007 has been cancelled with
immediate effect.*

*(ii) For quashing of order dated
21.04.2017 passed by District
Magistrate, Gaya in supply case no.*



14 of 2016 whereby appeal filed by the petitioner has been dismissed.

(iii) For quashing of order dated 13.02.2018 passed by the commissioner, Magadh Division, Gaya in supply Revision Case No. 109 of 2017 whereby the Revision Application filed by the petitioner has been dismissed.

(iv) For issuance of writ in the nature of Mandamus direction to respondents to restore the PDS License No. 421 of 2007 issued in favour of the petitioner and to allow the petitioner to run PDS shop at village- Sherghati, Panchayat- Bajaura, Block- Dobhi, District- Gaya.

(v) For issuance of appropriate writ, order, direction same and except in accordance with law.”

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	

