

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11065 of 2018

=====

Md. Anwar Alam @ Anwar Alam S/o Late Md. Ibrahim, Resident of
Belhariya, P.S- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District- Magistrate-cum-Collector, Gaya.
4. The Sub-Divisional Officer, Tekari, Gaya.
5. The Block Supply Officer, Tekari, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr. Advocate Mr.Dhananjaya Nath Tiwari, Advocate Ms.Diksha Kumari, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad-AAG-5

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-07-2025

1. The Writ petition is filed for the following
reliefs:-

*(I) For quashing of the order dated
14.08.2014 passed by learned S.D.O.,
Tekari, Gaya by which the PDS license
of the petitioner being license no.
45/1985 was cancelled and also for
quashing the appellate order dated
10.11.2016 passed in Supply Appeal*



Case No. 08/2015 by the learned Collector-cum- District Magistrate, Gaya was pleased to dismiss the appeal and also for quashing the order dated 05.03.2018 passed in Supply Revision Case No. 10 of 2017 by which the Revision filed before the learned Divisional Commissioner, Magadh Division, Gaya has been dismissed and the order of the learned Collector, Gaya as well as the learned SDO Tekari, Gaya was affirmed and further be pleased to restore the PDS license of the petitioner being license no. 45/1985.”

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 off.

9. Interlocutory Application(s), if any, shall stand disposed off.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2025
Transmission Date	

