

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19115 of 2018

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Nirmala Devi w/o Sri Nand Kishore Singh resident of village - Dhanauti, P.O.
- Masharak, P.S. - Panapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner-cum-Revisional Authority, Saran at Chapra.
3. The Collector-cum-Appellate Authority, Saran at Chapra.
4. The Sub-Divisional Officer-cum-Licensing Authority, Marhaurah District
Saran at Chapra.
5. The Officer on Special Duty, Department of Food and Consumer Protection,
Government of Bihar, Patna
6. The Marketing Officer, Headquarter Secretariat, Patna.
7. The Incharge Additional Collector, Saran at Chapra.
8. The Block Supply Officer, Panapur, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 30-07-2025

1. The writ petition is filed for the following reliefs:

1. That this is an application for issuance of appropriate writ/writs, Order/orders, direction/ directions for setting aside the order dated 26.05.2018 contained as Annexure -5 to this application, passed by Learned Divisional Commissioner, Saran at Chapra in Supply Revision Case No.



69 of 2017 (Nirmala Devi versus The State of Bihar) by which the learned Divisional Commissioner, Saran at Chapra has mechanically dismissed the said case without appreciating the material available on record which is illegal and not sustainable in the eye of law causing in justice to the petitioner and also quashing the order dated 11.04.2017 passed by District Magistrate, Saran at Chapra in Supply Appeal Case No. 27 of 2015 (Nirmala Devi vs State through Sub-Divisional Officer, Marhaurah) as contained in Annexure -7 to this application by which the District Magistrate, Saran at Chapra has illegally affirm the order dated 31.10,2012 in case no. 143 of 2012(Smt Nirmala Devi vs State of Bihar) which is contained in Memo No. 3567 passed by Sub-Divisional Officer, Marhaurah Saran and dismissed the appeal of the petitioner just in mechanical manner and also quashing the order dated 31.10.2012 contained in memo no. 3567 contained as Annexure- 3 to this application passed by Sub-Divisional



*Officer-cum-Licensing Officer,,
Marhaurah, Saran which is passed
without appreciating the material
available on record. And after setting
aside the aforesaid orders passed by
the concern authorities also directing
the concern respondent to restore
the licence of Public Distribution
System Shop no. 74 of 2007 to the
petitioner in proper way which is
situated in village of Dhanauti,
Panchayat- Bankawan, Block -
Panapur under the district of Saran,
And for any other reliefs, for which
the petitioner is found to be entitled
in the facts and circumstances of the
case.*

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	12.08.2025
Transmission Date	

