

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4037 of 2023

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Shivan Rishideo @ Shivan Rishi Son of Late Aghnu Rishideo, @ Aginu Rishi
Resident of Village- Kohbara, Police Station-K. Nagar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secrerary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea
4. The Collector, Purnea.
5. The Sub-Divisional Officer, Sadar, Purnea
6. The Block Supply Officer, K. Nagar, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar, Adv. Mr. Arbind Kumar, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5) Mr. A.H. Ac to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-06-2026

1. The petitioner has filed the Writ petition

for the following reliefs:

i) For setting aside the order dated 25.10.2022 in Supply Revision no. 49/2022 passed by the Commissioner, Purnea Division, Purnea (respondent no.3) whereby and whereunder the revisional authority has been pleased to affirm the orders of lower authorities |



Courts;

(ii) For setting aside the order dated 08.06.2018 in Supply Appeal Case no.109/2015 passed by the Collector, Purnea (respondent no.4) whereby and whereunder the appellate authority has been pleased to affirm the order dated 24.03.2014 contained in memo no.110 dated 24.03.2014 passed by the Sub-Divisional Officer, Sadar, Purnea (respondent no.5) and dismissed the appeal preferred by the petitioner.

(iii) to quash the order contained in memo no.110 dated 24.03.2014 whereby and whereunder the licensing authority has been pleased to cancel the Public Distribution System (PDS) license of the petitioner being License no.47/2007.

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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	30.06.2026

