

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9049 of 2023

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Lakshmi Narayan Singh Son of late Jagdish Singh, Resident of Village Sautadih, P.O. Sautadih, P.S. Belhar, District Banka(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary cum Principal Secretary, Department of Food and Civil supply, Government of Bihar, Patna.
2. Commissioner, Bhagalpur Division, Bhagalpur.
3. District Magistrate-cum-Collector, Banka.
4. Sub-Divisional Officer, Banka.
5. Block Supply Officer, Belhar, District Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Shivam, Adv.

For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-07-2026

1. The petitioner has filed the Writ petition
for the following relief:

“ That, this is an application for issuance of an appropriate writ, order or direction for setting aside the order dated 6.3.2021 as contained in memo no.40 dated 6.3.2021 whereby and whereunder the learned licensing authority i.e. Sub-Divisional Officer, Banka cancelled the license of the petitioner under Public Distribution System being License No.11 of 2012 under Bihar Targeted Public Distribution System



Control Order, 2016 clause 25(1) holding that the show cause filed by the license holder is not satisfactory as well as the appellate order passed by learned Collector, Banka dated 26.8.2022 in Supply Appeal Case No.948 of 2021-22 whereby and whereunder the appeal preferred by the petitioner against the order of the learned Subdivisional Officer cancelling his license was rejected and also for setting aside the order dated 08.02.2023 passed by the Divisional Commissioner, Bhagalpur in Supply Revision Case No.53 of 2022-23 by which he dismissed the revision application filed by the petitioner against the aforesaid two orders.”

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	
Transmission Date	

