IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10936 of 2022

CNR No. BRHC010582872022

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Mahmud Alam S/o Yakub @ Shiekh Yakub, resident of Village-Harai, P.S.-Dhankund, District-Banka.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Supply, Government of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The District Magistrate, Banka.
4. The Sub Divisional Officer-cum-Licensing Authority, District-Banka.
5. The Block Supply Officer, Dhoraiya, District-Banka.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC11)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 27-10-2026

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

> *1. That this is the writ petition being filed before this Hon'ble High Court on behalf of the aforesaid petitioner for issuance of a writ in the nature of 'certiorari" whereby and where-under setting aside the order dated 28.04.2022 passed by the Divisional Commissioner, Bhagalpur Division in Supply Revision Case No. 72/2020-21, whereby and whereunder, the Ld. Commissioner has confirmed the order dated 01.02.2019, passed by the District Magistrate, Banka Misc. Appeal No. 129/2016-17, who had affirmed the order containing in Memo No. 31, dated 14.01.2017, passed by Sub Divisional Officer, Banka, by which, the PDS License*

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being 06/2012 of the aforesaid petitioner was cancelled. And in addition to the aforesaid, relief the petitioner hereinabove also seeks the issuance of an appropriate writ / writs for restoration of his PDS license to run his PDS shop under Gram Panchyat Raj Kathawa Village, Block Dhoraiya, District - Banka without any hindrance/obstacle at the level of State Respondents.

2. At the outset, the Learned counsel for the petitioner 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

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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 as well as the Learned counsel for the respondents.

5. Without going into the merits or demerits of the case, having regard to the fact that the petitioner has an alternative and effective 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 order. The present writ petition is disposed off granting liberty to the petitioner to file a representation before the Principal Secretary challenging the order of the Revisional/Appellate Authority and order of cancellation withing a period of one months from

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the date of receipt of the order. On such representation being made, the Principal Secretary shall pass necessary orders strictly in accordance with law within three months thereafter.

6. Further, if there is any delay in preferring the representation, the authority shall liberally construe the limitation period as the petitioner has approached this Court within time.

7. It is needless to mention that before passing any order the petitioner 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)

Aryan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.10.2026
Transmission Date	N/A

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