

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9470 of 2023

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Vijay Kumar Sinha @ Bijay Kumar S/o Shyam Sunder Prasad, Resident of Mirjanhat, Durga Mandir, P.S.- Ishak Chak, P.O.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Bhagalpur
4. The Sub-Divisional Officer, Sadar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-07-2026

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

i) For issuance of appropriate writ in the nature of certiorari for quashing the order dated 07.12.2022 passed by Commissioner, Bhagalpur Division in Revision Case No. 49/2022-23 who has rejected the revision without hearing the matter on merit and on the ground of limitation only.

ii) For issuance of appropriate writ in the nature of certiorari for quashing the order dated 31.03.2022 passed



by Collector, Bhagalpur who had closed the proceeding on the ground of Non-appearance when the date was fixed for hearing of the matter on 07.04.2022 after receiving of L.C.R. but Collector Bhagalpur without going through the records of the case closed the proceeding on the ground of non-appearance.

iii) For issuance of appropriate writ in the nature of certiorari for quashing the order dated 15.03.2017 passed by Sub-Divisional Officer, Sadar Bhagalpur who had cancelled the licence of petitioner without following the guidelines of Bihar Trade Article (Licence unification) Order 1984 and Bihar Fair Price Shop Order 2007 which bars two punishment simultaneously on the same ground.

iv) For issuance of appropriate writ in the nature of mandamus seeking direction to Respondent to restore the Public Distribution System licence bearing its licence No. 1/85 in favour of petitioner and allow him to work.

v) For any other relief or reliefs for



which petitioner is entitled for.

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	

