

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13322 of 2019

Raj Kishore Pandey S/o Late Ram Narain Pandey Resident of Village-
Ghanshyam Pakri,P.S. Pipra,Dist.-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Food and Consumer Protection Department,Govt. of Bihar,Patna
2. The Divisional Commissioner, Tirhut Division,Muzaffarpur
3. The District Magistrate cum Collector, East Champaran at Motihari
4. The Sub-Divisional Officer, chakiya ,East Champaran at Motihari
5. The District Supply Officer, East Champaran at Motihari
6. The Block Supply Officer, Chakiya(East Champaran)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

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

“(i) To issue an appropriate order/s, direction/s including writ preferably in the nature of CERTIORARI for quashing the order dated 18.12.18 passed in P.D.S. Revision Case No. 56/18 passed by the respondent no. 2 i.e. Divisional Commissioner Tirhut Division Muzaffarpur whereby and whereunder he has dismissed the PDS revision case no.



56/18 and held that order as contained in Memo no. 470 dated 1.6.15 passed by the Sub-Divisional Officer Chakiya East Champaran and order dated 13.1.17 passed by the Collector East Champaran in S. Appeal Case No. 13/2015 cancelling the license of the petitioner bearing PDS License No.63/07 is speaking order and there is no illegality in the lower Court.

(ii) To quash the Memo no.470 dated 1.6.15 passed by the S.D.O Chakiya East Champaran whereby and whereunder PDS License of the petitioner bearing No.63/07 has been Cancelled.

(iii) To quash the order dated 13.1.17 passed in Appeal Case no.13/15 by the Collector whereby and whereunder appeal preferred by the Petitioner has been dismissed and affirmed the order Passed by the S.D.O. Chakiya.

(iv) To Direct the respondent no. 04 to restore the license of the petitioner hence forth.

(V) To any other relief/s to which the petitioner may found 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 two months 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 off.

9. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

