

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5670 of 2019

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Nigar Sultana, W/o Noorul Quamar, Resident of Village- Mohani, P.S. Baushi, Block and P.S.-Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection Department Old Secretariat, Patna.
2. The District Magistrate, Araria, District- Araria.
3. The Sub Divisional Officer, Araria, District- Araria.
4. The District Supply Officer, Araria, District- Araria.
5. Farnaz Khatoon W/o Mir Javed Resident of Village- Durgapur, Ward No. 6, Gram Panchayat-Mohini, P.S. Baushi, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2019 It appears that the petitioner is aggrieved by and dissatisfied with the selection of respondent no.5 for grant of licence under the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016').

Learned counsel for the State submits that the petitioner has an alternative statutory remedy under Rule 32 of the Control Order, 2016 by filing an appeal before the District Magistrate, Araria (respondent no.2). It is submitted that the respondent no.2 may consider all such objections of the petitioner and can record a finding after going into the submissions of both the parties, therefore, this writ application



at this stage need not be entertained.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court finds substance in the submissions of learned counsel for the State. The petitioner has got an alternative statutory remedy of appeal which she may avail by filing an appropriate application/appeal before the respondent no.2 within a period of 30 days from today. If such an application/appeal is preferred by the petitioner before the respondent no.2, the same shall be considered on its own merit and will be disposed off after hearing all concerned including the respondent no.5.

In case any question of limitation arises for consideration, the same will be considered keeping in view that the petitioner was pursuing her remedy before this Court.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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