

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24448 of 2018**

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Chanda Kumari Wife of Shri Ashok Kumar Jaiswal Resident of Village-  
Bansbitti, Ward No.7, P.S. and District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Food and Civil Supplies, Bihar, Patna
2. The District Magistrate, Supaul
3. The Sub-Divisional Officer, Supaul
4. The Block Supply Officer, Supaul
5. Khusboo Kumari @ Khusboo Devi Wife of Dharendra Choudhary Resident of Village- Bansbitti, P.S. and Town and District- Supaul

... .. Respondent/s

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**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr.Vijay Kumar, Advocate     |
| For the Respondent/s | : | Mr. D.K. Sinha, Sr. Advocate |
|                      | : | Mr. Kumar Gautam, Advocate   |
|                      | : | Mr. S. Raza Ahmad, Advocate  |

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**

**Date : 22-08-2025**

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

*“1. For a direction to the  
respondent State to allot dealership of  
public Distribution shop to the petitioner  
for running it at village - Bansbitti within  
the district of Supaul, for which she was  
fully entitled but the same has been  
illegaly allotted to one Khushboo Kumari,  
who was not entitled for suppression of  
material fact that the own uncle in law*



*was already running a flour mill at his house itself.*

*II. For a further direction to the Respondents state to cancel the allotment of said licence issued in favour of said Khusboo Kumari for running the said Public Distribution shop, mentioned above.*

*III. For a direction to the Respondents to keep the impugned order granting licence in abeyance during pendency of instant writ application.*

*IV. For any other relief/reliefs, for which the petitioner is entitled for.”*

**2.** At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal and Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(iii) 32(v) and 32(vi) read as follows:

“32 (iii). Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or



cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.”

32. (v) Till the disposal of appeal pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

(vi) Due to non disposal of the appeal within sixty days by the District Officer or against the order passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.

**3.** Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.



**4.** The remedy available under the Act is to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee he cannot review his orders in an appeal. Therefore, the petitioner is directed to file a complaint/application before the Divisional Commissioner.

**5.** The Learned counsel for the petitioner contended that he intends to file a complaint/application before the concerned authority, but the limitation period for filing the same has lapsed. He prayed for a direction to the concerned authority to entertain the same in accordance with Section 5 of the Limitation Act.

**6.** Taking into consideration that the petitioner has an alternative remedy for filing complaint/application, the writ petition is disposed of with a direction to the petitioner to file



complaint/application within one month from the date of receipt of copy of this order before the concerned authority. The delay in filing the complaint/application shall be condoned by the authority concerned, and the authority shall dispose of the same within three months from the date of filing of the same.

7. With the above said observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

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