

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18792 of 2018

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1. Shail Kumari Kunwar and Anr Wife of late Narad Singh Resident of Village- Malmalia, P.O. Basantpur, P.S. Basantpur, P.S. Basantpur, District- Siwan, Presently Public Distribution System Dealer under Gram Panchayat Raj, Kauriyan Block- Basantpur, District-Siwan.
 2. Jai Kishore Singh Son of late Chandrama Singh Resident of Village- Konrar, P.S. Basantpur, District- Siwan, Presently Public Distribution System Dealer Under Gram Panchayat Raj, Bansohi, Block- Basantpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Consumer and Food Conservation Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan, District- Siwan.
4. The District Supply Officer, Siwan, District- Siwan.
5. The Sub-Divisional Officer, Maharajganj, District- Siwan.
6. The Block Development Officer, Basantpur, District- Siwan.
7. The Block Supply officer, Basantpur, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Anita Kumari
For the Respondent/s : Mr.S. Raza Ahmad- AAG-5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-08-2025

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

“(i) For issuance of an
appropriate writ in the nature of
MANDAMUS, commanding and
directing the Respondent Authorities
to produce on record the



advertisement published by the Respondents for selection and appointment of dealers under Public Distribution System particularly in Gram Panchayat Raj, Kauriyan and Bansohi is concerned and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that if according to notification dated 10.03.2016 published in Bihar Gazette (Extraordinary part) dated 14th March,2016, the requirement of population is mandatorily required to be complied while granting any new license under Public Distribution System, the Respondents are justified to notify the number of new shops in the abovementioned four Gram Panchayats when there is no population in the Panchayat to accommodate that number of the shops.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to recall their impugned



advertisement for appointment of dealers and re-determine the number of required shops in the aforesaid two Gram Panchayats in view of the provisions contained under paragraph no.9(i) of the 2016 Control Orders and only thereafter to proceed with the selection of new licenses as per the requirement of population.

(iii) For issuance any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

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 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 observations, the Writ petition shall stand disposed of.

8. 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	30.08.2025
Transmission Date	

