

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25007 of 2018

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Ashu Rani wife of Punyanand Kumar Laghi Resident of Village-Farhi,P.O.
Khaira Koshkapur,Ward No.3,P.S. Narpatganj,Distt.-Araria

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Commissioner,Purnea,Division Purnea
3. The District Magistrate,Araria
4. The Sub-Divisional Officer,Forbesganj,Araria
5. The District Supply Officer,Araria
6. The Marketing Officer,Forbesganj,Araria
7. The B.D.O. Narpatganj,Distt.-Araria
8. The Block Supply Officer,Narpatganj,Distt.-Araria
9. Sanju Kumari Wife of Mukesh Kumar Sah Resident of Village-Farhi Taufir Tamganj,P.S. Narpatganj,Distt.-Araria
10. Pooja Kumari, Wife of Ajay Kumar Village and P.O.- Tamganj, Panchayat Farhi, P.S. Narpatganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kamal Kishore Singh, Advocate
For the Respondent/s	:	Mr.Aag5
	:	Mr. D.N. Tiwari, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Mr. Roop Kishan, Advocate

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

Date : 02-09-2025

1. The writ petition is filed for issuance of a writ of Mandamus and/or any other appropriate writ(s), order(s) or Direction to quash the letter contained in Memo No. 331 dated 19.11.2018 and Memo No. 381 dated 29.11.2018 issued by the



S.D.O. Forbesganj, whereby and where under the license under Bihar Targeted Public Distribution System Control Order, 2016 was issued in favour of Sanju Kumari, (Respondent No. 9) and a direction to respondents to issue license of P.D.S. Dealer Shop in favour of the petitioner and for any other order/orders, direction/directions, as Your Lordships may deem fit and proper in the mentioned facts and circumstances of this 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 two months 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 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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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.09.2025
Transmission Date	N/A

