

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9450 of 2019

=====

Rakesh Kumar Gupta Son of Gorelal Sahu Resident of Village- Barhara, P.O.-
Barhara-Bartara, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food Supply and Consumer Protection Department,
Govt. of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Collector, Lakhisarai.
5. The District Supply Officer, Lakhisarai.
6. The Sub-Divisional Officer, Lakhisarai.
7. The Block Supply Officer, Ramgarh Chouk, Lakhisarai.
8. Sunil Kumar Sahu Son of Late Jagdish Sahu Resident of Village- Bartara,
P.O.- Barhara, P.S.- Halsi, District- Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjay Mishra, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

=====

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

Date : 19-09-2025

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

“I. For issuance of an appropriate writ(s), order(S), direction(s) (i) for quashing the memo no. 337/Aa dated 31.12.2018 issued by Sub-Divisional Officer, Lakhisarai according to recommendation dated 19.12.2018 by District Magistrate, Lakhisarai prepared by the respondents for grant of Licence of



P.D.S. Shop dealer in Surari Imam Nagar Panchayat (partly) under Ramgarh Chowk Block, Lakhisarai and after quashing the same respondents be directed to prepare a fresh merit list as per guidelines given in notice and to issue licence in favour of petitioner as he has all requisite qualification as for licence as per the Rule.

II. To grant the licence in favour of petitioner.

III. To provide other relief/reliefs for which the petitioners are 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 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2025
Transmission Date	N/A

