

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8434 of 2019

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Lakshman Kumar @ Lakshman Singh S/o Rohit Kumar Singh Yadav
Resident of Londa, Panchayat, Dumrava Block-Adhaura, P.S. Adhaura
District Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar
2. The District Magistrate, kaimur at Bhabua
3. The District Supply Officer, Kaimur at Bhabua.
4. The Sub-Divisional Officer Kaimur at Bhabua.
5. The Block Supply Officer Adhaura, Kaimur at Bhabua
6. Sudama Kumar Singh S/o Shivmurat Singh Resident of Village- Dumrava
Panchayat Dumrava P.S. Adhura Block-Adhaura District Kaimur at Bhabua

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 23-09-2025

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

*“1. For issuance of writ in the
nature of Certiorari or any other
appropriate writ for setting aside
appointment of P.D.S. dealer to the
private respondent with regard to
Panchayat Dumrava, Block Adhaura,
District Kaimur at Bhabhua to the private
Respondent No. 6.*



II. For issuance of writ in the nature of Mandamus or any other appropriate writ, direction to the respondent to authority to appointment of petitioner as a P.D.S. dealer with regard to Panchayat Dumrava Block Adhaura Sub division Bhabhua, Kaimur.

III. For issuance of any other appropriate writ for which petitioner is other wise entitled in the eye of law.”

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

