

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11808 of 2019

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Md. Mohaddis Alam son of Md. Kaishar resident of Vill.- Dauna, P.S.-
Shahkund (Sajour), Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar
2. The Additional Secretary Food and Consumer Protection Department, Govt. of Bihar
3. The Joint Secretary Food and Consumer Protection Department, Govt. of Bihar
4. The Collector cum District Magistrate Bhagalpur
5. The Sub Divisional Officer (SDO) Sadar Bhagalpur
6. The District Supply Officer Bhagalpur
7. The Block Development Officer (BDO) Shahkund, Bhagalpur
8. The Block Supply Officer Bhagalpur
9. Md. Heshmuddin S/o Nejamuddin Vill.- Dauna, P.s.- Shahkund (Sajour), Distt.- Bhagalpur
10. Arti Sharma W/o Sheikhar Kumar Sharma Vill.- Barari, P.s.- Shahkund, Distt.- Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.S.Raza Ahmad (AAG-5)

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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:-

“A. For issuance of an
appropriate writ to quash or set
aside the selection of private
respondent no. 9 and 10 for grant of



PDS shop License given at serial no. 133 and 135 dated 27.02.2019 issued by the District Magistrate cum Chairman District Selection Committee, Bhagalpur whereby and where under the respondent authority without considering the provision of Bihar Targeted PDS (Control) order, 2016 taken decision to grant of the PDS Shop License in favour of private respondent no. 9 and 10 for Panchyat Sarauni under Block-Shahkund, as the selection of both the private respondents have been made against roaster as well as also against the provision of the Act.

B. For issuance of writ of mandamus or any other appropriate direction upon the respondent authority to begin enquiry against the private respondents as the private respondent no. 9 belonging to general category as well as description of land given by him situated in another Gobrai mouza whereas the selection of respondent no. 10 has been made against roaster, as no seat was reserved for



women as well as description of land given by her is Parti, Land.

C. For direction to grant stay on PDS shop License which is likely to be given by the Licensing authority in favour of private respondent no. 9 and 10 given at serial no.133 and 135 contained in Memo no.19 (Pro) dated 27.02.2019 issued by the District Magistrate cum Chairman District Selection Committee, Bhagalpur till the disposal of the present writ petition.

D. And for any other relief/reliefs for which the petitioner is found to be entitled under the provision of law involved in the present 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	25.09.2025
Transmission Date	

