

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19719 of 2018

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Shaligram Das son of Late Brihaspati Das Resident of Village- Bishanpur,
P.S. Dhoraiya, District Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector-cum- District Magistrate, Banka.
3. The Licencing Officer-cum- Sub Divisional Officer, Banka, District- Banka.
4. The Block Supply Officer, Dhoraiya Block, P.S. Dhoraiya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Das No.- 2, Advocate
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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

Date : 30-07-2025

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

“For quashing the order contained in Annexure-2, the order dated 22.06.2018 passed in Misc. Appeal No. 100 of 2011 passed by Collector-cum-District Magistrate, Banka, respondent no. 2 by which order dated 17.11.2011 passed by Sub-Divisional Officer, Banka contained in Annexure-1 was affirmed and License No. 05/1990 under Public Distribution System was cancelled as also for issuance of appropriate writ/writs in the nature of writ of mandamus directing



the concerned authority to restore the license No. 05/1990 in favour of the petitioner”

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 representation 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 representation, the writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation 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	31.07.2025
Transmission Date	N/A

