

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17129 of 2019

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Madan Gopal Son of Late Sachida Nand Singh Resident of village - Hirambi,
P.s. Dhoraiya, Dist.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary Food and Supply Department, Patna.
2. The Secretary Food and Supply Department, Patna.
3. The Collector Banka.
4. The District Supply Officer Banka.
5. The S.D.O. Banka.
6. The Block Supply Officer Dhoraiya, Dist- Banka.
7. Md. Gulab Aalam Son of Md. Guljar Aalam, Resident of village- Chalan,
P.s. - Dhoraiya, Dist. - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-10-2025

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

“(i) For issuance of writ of certiorari for quashing the order of selection and the license of Public Distribution System in name of Md. Guljar Alam respondent No. 7 after calling the same from the respondent authority before this Hon’ble High Court because authority is not supplying the



copy of license and its order to the petitioner and hence petitioner is unable to file the same before the Hon'ble High Court.

(ii) For issuance of writ of Mandamus commanding the respondent authority to grant the license of Public Distribution Shop, under Gram Panchayat Chalana Anchal-Dhoraiya, Dist-Banka.

(iii) For issuance of such other writ or order or direction which may deem fit and proper for ends of justice."

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 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	17.10.2025
Transmission Date	

