

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22047 of 2018

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1. Mulayam Kumar and Anr Son of Bharat Singh, Resident of Village- Karamahara, P.O.- Katrakala, P.S.- Mohaniya, District- Kaimur.
 2. Ramshankar Ram, Son of Lakshanm Ram, Resident of Village- Karmahari, P.O.- Katrakala, P.S.- Mohaniya, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Supply Department, Government of Bihar, Patna
3. The Collector-cum-Magistrate, Kaimur at Bhabhua, District- Kaimur at Bhabhua.
4. The Block Development Officer, Mohania, District- Kaimur at Bhabhua.
5. The Marketing Officer, Mohania, District- Kaimur at Bhabhua.
6. The Block Food and Supply Officer, Mohania, District- Kaimur at Bhabhua.
7. The Sub-Divisional Officer, Mohania, District- Kaimur at Bhabhua.
8. Mukesh Pal, Son of Rambriksh Pal, Resident of Village- Karamhari, P.S.- Katrakala, P.S. Mohania, District- Kaimur at Bhabhua.

. ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr.S. Raza Ahmad- AAG5

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 29-08-2025

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

“1. That the present writ application is being filed in the nature of certiorari for quashing the letter dated 19.09.2018 bearing memo no. 692 by which the PDS license given in the name of Subhash Pal listed at Serial No. 73 in Division-Bhabhua, Block-Chainpur, Panchayat-Kajraon, District-Kaimur (Bhabhua) as selected by



District Magistrate-cum-Chairman. The District Appointment Committee, Kaimur at Bhabhua, respondent no-2 (Annexure-1); on the ground that the PDS license for the same Panchayat has been issued in favour of the father of private respondent no.8 (Mukesh Pal) which has been cancelled and the appeal filed by the father of the private respondent no. 8 is pending before Kaimur at Bhabhua and the same is hit Rule-11 of Bihar Targeted (Control) Order, 2016.”

ii. That the present writ application is being filed in the nature of Mandamus for a direction to the District Magistrate-cum- Chairman, The District Appointment Committee, Kaimur at Bhabhua as well as licensing authority to appoint a fresh PDS licensee in Division- Bhabhua, Block- Karamhari, Panchayat- Katrakala, District- Kaimur (Bhabhua) and also to proceed against private respondent no- 8 for filing affidavit for taking the P.D.S license;

iii. For any other relief/Reliefs for which the petitioner is 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 petitioners have 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 petitioners are directed to file a complaint/application before the Divisional Commissioner.

5. The Learned counsel for the petitioners 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 petitioners have an alternative remedy for filing complaint/application, the Writ petition is disposed of with a direction to the petitioners 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)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.09.2025
Transmission Date	

