

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17008 of 2019

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Mamta Devi Wife of Ravindra Kumar @ Ravindra Malakar Resident of
Village- Aurahi, P.S.- Gamhariya, District- Madhepura.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum- Collector Madhepura.
4. The Sub- Divisional Officer Civil, Madhepura.
5. The District Supply Officer Madhepura.
6. Anita Anand Wife of Shambhu Mehta Resident of Village- Chandanpatti, P.S. Gamhariya, District- Madhepura.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate
For the Respondents : Mr. Arvind Ujjawal, SC4

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

Date : 01-07-2026

1. The Writ petition has been filed for the
following relief:

”(I). To issue appropriate writ/writs, order/orders, direction/directions for quashing of an order dated 05.07.2019 passed by the District level Selection Committee, Madhepura, by which selection Committee has issued memo. no. 573 dated 05.07.2019 for issuance of P.D.S. license to the private respondent no. 6 without looking at the case of the petitioner.

(ii). To issue further appropriate



writ, order or direction restraining the respondents from issuing fresh P.D.S. license in place of the petitioner.

(iii). This Hon'ble Court may adjudicate and hold that the action of the concerned respondent is illegal and against the principle of natural justice specially when the objection petition of the petitioner is pending before the concerned authority and without deciding the objection petition, concerned respondent has issued vide memo. no. 573 dated 05.07.2019.

(iv). This Hon'ble Court may further adjudicate and hold that not issuance of permanent P.D.S. license of the petitioner is completely illegal, improper and not sustainable in the eye of law.

(v). To award the cost of litigation and suitable compensation to the petitioner for the loss and damage caused by the act of the concerned respondents.

(vi). To award any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the 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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity for hearing.

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	NA
Uploading Date	
Transmission Date	NA

