

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19653 of 2019

Vijay Pathak @ Vijay Kumar Pathak S/o Late Kedar Pathak, R/o Village-
Mansapur, Panchayat- Mansapur, Ward No.- 6, P.S. and Block- Laukahi,
District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. Commission, Darbhanga.
3. The District Magistrate, Madhubani.
4. The Sub-Divisional Officer, Fulparas, Madhubani.
5. The Block Development Officer, Laukahi, Madhubani.
6. The Marketing Officer, Laukahi, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Arbind Ujjwal (SC 4)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-06-2026

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

“ For issuance of writ of mandamus and any other appropriate writ / writs, direction / directions & order / orders for setting aside the order passed by the District Magistrate, Madhubani vide Memo no. -276 dated 28-3-2019 (Annexure-P/9) by which the grievance of the petitioner was rejected on the flimsy grounds ie. (i) on search no such application filed by the petitioner was found on the record, (ii) the application



dated 21-10-2011 filed by the petitioner is wrong and (iii) further the application was not filed well within the stipulated time as indicated in Kandika (clause) - 10 of Bihar Targeted Public Distribution System (Control) Order -2016, which is not correct and not at all tenable in the eye of law."

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."

(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 order 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 observation, the Writ petition is disposed of.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2026
Transmission Date	

