

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20113 of 2019

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Jhingur Bhagat Son of Rupa Bhagat, Resident of Mohalla-Dulma, P.S.-
Madhuban, District-East Champaran. (Motihari).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Sub Divisional Officer, Pakari Dayal, District-East Champaran.
4. The Block Food Supply Officer, Patahi, District-East Champaran (Motihari).
5. The Block Development Officer, Pakaridayal, District-East Champaran (Motihari).
6. The Marketing Officer, Patahi, P.S.-Patahi, Pakaridayal, District-East Champaran (Motihari).
7. The Circle Officer, Patahi, P.S.-Patahi, District-East Champaran.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate
For the Respondents : Mr. Arvind Ujjwal, SC4

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

Date : 29-06-2026

1. The Writ petition has been filed for the

following relief:

“(I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing the order dated 25-06-19 passed by the District Magistrate, East Champaran, Motihari in Supply Case No. 06/2018 whereby and where under he has rejected the said Supply Case No. 06/18 and affirmed the order dated 05-02-2018 passed by the Sub Divisional Officer, Pakridayal, District-



East Champaran in Supply Record No. 05/2017 by which he has cancelled the fair price shop license of the petitioner bearing License No. 125 of 2016.

(ii) To quash the order dated 05-02-2018 passed in Supply record No. 05-02-2018 by the S.D.O. Pakridayal, District- East Champaran whereby and where under the petitioner's fair price shop license bearing No. 125 of 2016 has been cancelled.

(iii) To direct the respondent No. 3 the S.D.O. Pakridayal District East Champaran the licensing authority under the Bihar Targeted Public Distribution system control (order) 2016 to restore the PDS license of the petitioner hence forth with.

(IV) To any other relief/s to which the petitioner is 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)

Shanu/-

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

