

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20935 of 2019

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John Pascal, Son of Late Pascal Liyopold, Resident of Village-Relly Bazar
Ramnagar, Police Station-Ramnagar, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate, West Champaran, Bettiah.
3. The District Supply Officer, West Champaran, Bettiah.
4. The Sub-Divisional Officer cum Licensing Officer, Bagaha, District-West Champaran.
5. The Block Supply Officer, Ramnagar, District-West Champaran.
6. The Anchal Adhikari, Ramnagar, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 22-06-2026

1. The Writ petition is filed for following
reliefs:

*“For issuance of a writ in the
nature of certiorari or any other
appropriate writ or writs for
quashing the order dated
13.07.2018 passed by the
respondent no.2 in Case No. C.M.R.
402 of 2017-18 vide which he has
dismissed the appeal filed by the
petitioner against the order dated
30.08.2013 passed by the
respondent no.4 in Record Case*



No.07 of 2013 and also for quashing the order dated 30.08.2013 passed by the respondent no.4 in Record Case No.07 of 2013 vide which has been cancelled the License No.01 of 1987 of the petitioner granted under Public District System.”

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 representation 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 representation, the Writ petition is disposed of with



a direction to the petitioner to file representation 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 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	

