

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21779 of 2019

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Dhanlal Harijan Son of Gopi H.@ Gopi Harijan, Resident of Village-
Balwadangi Under Dakpokhar Panchayat, Block- Terhagach, P.O. Mahes
Batna, P.S. Terhagach, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Bihar, Patna.
2. The Sub-Divisional Officer, Kishanganj, (S.D.O.), District- Kishanganj.
3. The Block Supply Officer, Terhagach Block, District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.
For the Respondent/s : 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 is filed for the following
reliefs:

*(i) To set aside the order dated
12.11.2016 passed in Case No. 2615 of
2016 by the respondent Sub-Divisional
Officer, Kishanganj by which the license
bearing License No. 27TR/2007 granted
to the petitioner under the Fair Price Shop
(Order) and/or the PDS (Control) Order,
2001 for carrying on business has been
cancelled illegally.*

*(ii) To direct the respondent Sub-
divisional Officer to restore the License*



No. 27TR/2007 in favour of the petitioner granted under the Fair Price Shop Order and/or the PDS (Control) Order, 2001 which has been cancelled illegally.

(iii) To pass such other order/ orders as may deem fit and proper to secure the ends of justice.

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 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
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