

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17253 of 2019

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Sinni Kumari Wife of Ravindra Kumar Resident of Village- Itwa, Ward No. 1,
Police Station- Gamhariya, Block- Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Department, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The Deputy Development Commissioner, Madhepura.
5. The Commissioner, Kosi Division, Saharsa.
6. The District Food Supply Officer, Madhepura.
7. The Sub- Divisional Officer, Madhepura.
8. The District Co-operative Officer, Madhepura.
9. The Deputy Collector Land Reforms, Madhepura.
10. Khushboo Rani Wife of Shankar Kumar Resident of Village- Itwa Jiwachhpur, Ward No. 12, Block- Gamhariya, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 17-10-2025

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

“1. For issuance of a writ in the nature of Certiorari or any other appropriate writ, order or direction quashing the Memo No.573/Aa, Madhepura, dated 05.07.2019 issued under the signature of respondent No. 3



to the extent of selection of respondent No.10 for grant of P.D.S. Licence for Ward No. 1 under Itwa Jiwachhpur Panchayat in Gamhariya Block (Madhepura) even without issuance of any notice to the petitioner or without cancelling the selection of petitioner.

II. For issuance of writ in the nature of Mandamus or any other appropriate writ, order or orders or direction directing the respondents-authorities to grant P.D.S. License to the petitioner for Ward No. 1 under Itwa Jiwachhpur Panchayat in Gamhariya Block (Madhepura).

III. For issuance of a writ in the nature of Mandamus or any other writ, direction to restrain the respondent for issuing P.D.S. Licence to respondent No. 10 in place of petitioner.

IV. For issuance of any other relief or reliefs for which the Petitioner is found entitled to."

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 two months 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

