



2025:PATHC:93846

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9553 of 2019

=====

Laliteshwar Ram Son of Kedar Ram Resident of Village- Nanhkar Tola
Bhutane, P.O. Chaumukh, P.S. Bochahan, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner Tirhut Division, Muzaffarpur.
3. The Collector Muzaffarpur.
4. The District Supply officer Muzaffarpur.
5. The Sub-Divisional officer Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-10-2025

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

“(I). For the issuance of an appropriate Writ to the respondents to grant the licence of PDS dealer under “Jan Vitran Pranali, under Prakhand, Bochahan, Panchayat, Bhutana under East Muzaffarpur, Anumandal- District Muzaffarpur.

(II) For the issuance of an appropriate writ/direction to the respondents to consider the candidature of the petitioner for the grant licence of a





*PDS Dealer for Bochahan Prakhanda,
Panchayat Bhutana under Jan Vitran
Pranali.*

*(III). For the issuance of any
other writ/order/direction as your
Lordship may deem fit and proper for 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 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. It is needless to mention that before passing any order the petitioner should be given a fair opportunity of 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

