

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5626 of 2020

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Madhusudan Pandey, Son of Late Ramchandra Pandey, Resident of Village -
Pandeypur, P.S.- Sandesh, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Ara.
2. The Sub-Divisional officer, Sadar Ara, District- Bhojpur at Ara.
3. The Block Supply Officer Sahar-cum-Sandesh, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-02-2024 Heard learned counsel for the petitioner and learned
counsel appearing for the respondents.

2. The present writ application has been filed for quashing the order contained in Memo No. 683 dated 06.04.2020 passed by the Sub-Divisional Officer, Sadar, Ara, by which the PDS license of the petitioner has been canceled.

3. At the outset, learned counsel appearing for the respondent-State, referring to paragraph-10 of the counter affidavit, submits that as per Section 32(iii) of the ***Bihar Targeted Public Distribution System (Control) Order, 2016 (For short the 'Act')***, the petitioner has got an alternate and efficacious remedy to challenge the impugned action of the respondent by way of an appeal before the District Officer i.e. District Magistrate. However, the petitioner has chosen not to prefer an appeal before the District Magistrate, Bhojpur against



the impugned order and has approached this Court directly without availing the alternate remedy available with him under the Act.

4. Having heard the submission of parties and taking into consideration the provision of Section 32(iii) of the Act, the present writ application is being disposed of with a liberty to the petitioner to prefer an appeal before the District Magistrate, Bhojpur against the impugned order within a period of thirty days. If such an appeal is filed by the petitioner within the stipulated time, the learned District Magistrate, Bhojpur shall be obliged to dispose the same in accordance with law within a reasonable time.

5. With the aforesaid observation and direction, this writ application is disposed of.

6. It is made clear that since the petitioner had questioned the validity of the impugned order in the year 2020 itself, the doctrine of limitation would not come in the way of the petitioner while filing the appeal before the District Magistrate, Bhojpur as the issue involved in the writ application was pending consideration before this Court.

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(Anil Kumar Sinha, J)

