

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.536 of 2021

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Fagu Yadav son of Late Atwari Yadav resident of village and Panchayat -
Barwasini, Block and P.S. Katoria, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The Sub-divisional Officer, Banka.
5. The Marketing Officer, Banka.
6. The District Supply Officer, Banka.
7. The Sub-divisional Supply Officer, Banka.
8. The Block Development Officer, Banka.
9. The Block Supply Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-02-2024 Heard learned counsel for the petitioner and

learned counsel appearing for respondents.

2. The present writ application has been preferred

for quashing and setting aside the order contained in Memo
No. 189 dated 18.06.2020 passed by the Licensing
Authority-cum- Sub Divisional Officer, Banka by which the
Public Distribution License bearing License No. 30 of the
petitioner has been canceled.



3. At the outset, learned counsel appearing for the respondent-State, referring to provision contained in Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 (For short the 'Act'), submits that 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, Banka 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, Banka 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, Banka 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 2021 itself, the doctrine of limitation would not come in the way of the petitioner while filing the appeal before the District Magistrate, Banka as the issue involved in the writ application was pending consideration before this Court.

(Anil Kumar Sinha, J)

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