

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17872 of 2018

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Ajit Paswan S/o Binda Paswan, Resident of Village- Bairiya, P.S.- Gaurichak,
District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Sub Divisional Officer, Sadar Patna.
4. The Additional District Magistrate, Supply, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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

Date : 28-07-2025

1. The writ petition is filed for the following
relief:

*“For setting aside the order
contained in Memo No. 782 dated
22.02.2011 by which the PDS license of
the petitioner being license no. 87/2007
has been cancelled on the basis of a
notice which is not in accordance with law
and also without giving proper opportunity
to state his case to the petitioner and
further be pleased to restore the license
and supply of the petitioner.”*



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. Section 32(iii) 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.”

3. Admittedly, from the relief prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to



entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within 30 days from the date of receipt of this order before the concerned District Magistrate. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.07.2025
Transmission Date	N/A

