

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17116 of 2018

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Ram Das Manjhi Son of Prasadi Manjhi Resident of Village - Gunhesha,
Police Station - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Sheikhpura.
3. The District Supply Officer, Sheikhpura.
4. The Sub Divisional Officer, Sheikhpura.
5. The District Welfare Officer, Sheikhpura.
6. The Block Development Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-07-2025

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

“ i) For issuance of writ/writs in the nature of certiorari for set aside the order dated 30.07.2018 passed by the sub Divisional Officer, Sheikhpura in Memo No. 454 whereby and where under the licence of the petitioner for P.D.S. dealer of Fair Price, Shop Keeper has been cancelled.

(ii) For issuance writ/writs in the nature of mandamus commanding the Respondents to immediately start the



shop of the petitioner under Public demand system which has been closed since the license of the petitioner has been cancelled without any valid reason.

(iii) For commanding the respondents as to why the licence of P.D.S. dealer of the petitioner has been cancelled though this petitioner is a dedicated and honest P.D.S dealer.

(iv) For any other writ/writs, order/orders, direction/directions as this Hon'ble court may deem fit and proper as the facts and circumstances of this case.”

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 reliefs 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 four weeks 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2025
Transmission Date	

