

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10150 of 2017

Nilam Singh Wife of Nilam Kumar Singh, resident of Village-Biswambhara,
P.S. Garhani, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food Civil Supplies and Commerce
Old Secretariat, Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The Sub-Divisional Officer, Sadar, Ara.
4. The District Supply Officer, Bhojpur, Ara.
5. The Block Supply Inspector, Garahani, Bhojpur, Ara.
6. The Block Supply Officer, Garahani, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Awadhesh Kumar Mishra, Shinani Mishra Pragati Singh Shashank Shekhar, Advocates
For the Respondent/s	:	Mr. Manish Kumar, GP 4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 07-04-2025

1. The writ petition is filed for the quashing of the Memo No. 2005 (APP) Ara dated 27.02.2017 passed by Sub-Divisional Officer, Ara Sadar whereby the PDS license No. 15/2007 of the petitioner was cancelled.

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. 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, the present case is filed against the order of licensing authority.

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 of filing an appeal, the writ petition is disposed of with a direction to the petitioner to avail of this



alternative remedy before the District Magistrate.
The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within two months from the date of filing.

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	08.04.2025
Transmission Date	

