

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.184 of 2019

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Suresh Prasad Gupta Son of Harendra Prasad Gupta Resident of Village-
Sugaha Bhawaniupur, P.S.-Kangli, District-West Champaran at Present
President PACS, Sugaha Bhawanipur, Block-Sikta, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Fodd and Civil Supply
Department, Govt. of Bihar, Patna
2. The District Magistrate, Bettiah, District-West Champaran.
3. The District Supply Officer, Bettiah, District-West Champaran.
4. The Sub-Divisional Officer, Narkatiaganj, District-West Champaran
5. The Sub-Divisional Welfare Officer, Narkatiaganj, District-West
Champaran.
6. The Executive Magistrate, Narkatiaganj, District-West Champaran.
7. The Block Supply Officer, Gaunaha, District-West Champaran
8. The Block Supply Officer, Lauria, District-West Champaran.
9. The Block Supply Officer, Sikta, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashank Chandra, Advocate
For the Respondent/s : Mr.Mr S Raza Ahmad, AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-10-2025

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

“For issuance of a Writ in the
nature of a Writ of certiorari, or any
other appropriate Writ order, direction
quashing the order contained in Memo
No.571 dated 13.10.2018 (Annexure-7),
issued by the Respondent No.4. By the



impugned order dated 13.10.2018 the Respondent No.4, has again affirmed his previous order of cancellation of PDS License of the PACs of the Petitioner contained in Memo No. 1080 dated 02.05.2017 (Annexure-3), on the basis of the allegations levelled against the Petitioner in an Enquiry which was conducted behind the back of the Petitioner and also without giving an opportunity to the Petitioner to rebut the allegation levelled in the Enquiry Report dated 19.09.2017, by supplying him a copy of the said Report. The Petitioner further prays for issuance of a consequential Writ of mandamus commanding the Respondents to forthwith revoke the order cancelling the license of the Public Distribution Shop of the PACs of the Petitioner and to resume the supply of the essential commodities forthwith and to act strictly in accordance with law.”

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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2025
Transmission Date	

