

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10950 of 2018

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Bhagwan Prasad Son of Late Ram Khelawan Saw, Resident of Village-
Raipura, P.S.- Birupur, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate-cum-Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The District Supply Officer, Lakhisarai.
6. The Block Supply Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Manglam
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2025

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

“.... for quashing the order dated 15.10.2016 passed by the learned District Magistrate - cum - Collector, Lakhisarai in Supply Case No. 70 of 2015-16 whereby and where under who has confirmed the order of Memo No. 60 dated 02.02.2016 passed by the Sub-Divisional Officer, Lakhisarai, whereby the license of the Public Distribution System Shop of the petitioner has been cancelled and the



petitioner also prays for any other relief or reliefs for which he is legally entitled to, on the peculiar facts and circumstances stated in this petition.

i. For issuance of a writ in the nature of Mandamus commanding and directing the respondents authorities to restore the license of the Public Distribution System Shop of the petitioner.

ii. For issuance of any other writ /writs, order/orders, direction/directions for which the petitioner is found entitled to.”

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	02.07.2025
Transmission Date	

