

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7731 of 2019

=====

Shiv Kumar Jaiswal Son of Vasudeo Jaiswal Resident of Village-Bhawanipur,
Post Office-Thikahon Bhawanipur, Police Station-Sangrampur, District-East
Champaran (PACS Chairman, North Bhawanipur PACS, Block-Sangrampur,
District-East Champaran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Sub-Divisional Officer, Areraj, District-East Champaran.
2. The District Supply Officer, East Champaran at Motihari.
3. The Assistant Supply Officer, East Champaran at Motihari.
4. The Block Supply Officer, Sangrampur, District-East Champaran.
5. The Assistant Godown Manager, Kesaria and Areraj, District-East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda
For the Respondent/s : Mr.S.Raza Ahmad (AAG-5)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-09-2025

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

“(i) For quashing/set aside
the order contained in Memo No.
60(आ.) dated 15.01.2019 issued
under the signature of Sub-Divisional
Officer, Areraj, East Champaran, by
which he has been pleased to reject
the 2nd show cause submitted by



the petitioner and cancelled his license No. 30/2011 of P.D.S. Shop.

(ii) For quashing/set aside the consequential order contained in Memo No. 79 dated 28.01.2019 issued under the signature of Sub-Divisional Officer, Areraj, East Champaran, by which he has been pleased to pass order after cancellation of the license of the petitioner that all Antodaya PHH & Kerosene Oil consumer relating to the shop of the petitioner as well as lifted Antodaya and PHH food grains by the petitioner has been directed to hand over Sri Manoj Kumar Singh, P.D.F. Shop holder for distribution and further directed to him to deposit cost of sub-allotted food grains of February, 2019 in favour of the petitioner within time.

(iii) For any other relief/reliefs to which the petitioner is entitled under the 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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.09.2025
Transmission Date	

