

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12632 of 2019

Om Prakash Deen S/o Late Sukhdeo Paswan Vill.- Pakrisarai, P.O.-
Mirchaiganj, Nirpur, P.s.- Silao, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Nalanda at Biharsharif
3. Sub Divisional Officer Rajgir, Distt.- Nalanda
4. District Supply Officer Nalanda at Biharsharif
5. District Manager State Food Corporation, Biharsharif, Nalanda
6. Block Supply Officer Silao, distt.- Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Singh
For the Respondent/s	:	Mr.Arvind Ujjwal (SC-4)
For the BSFC	:	Mr.Shailendra Kumar Singh
	:	Mr.Utkarsha Utpal

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

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

“For Issuance of an appropriate
writ(s) /order(s)or direction and thereby
to Issue a writ in the nature of
'Certiorari' and thereby to quash the
order contained in Memo No.
2621/Suppl., Rajgir, dated 8.8.2012
passed/issued by the learned S.D.O.
Najgir (Nalanda) whereby and
whereunder the learned S.D.O. has



cancelled the License of the petitioner granted for running a P.D.S. Shop vide License No. 86/2007 with immediate effect.

Further for Issuance of an appropriate writ, order or direction, directing the respondent authorities to allow the petitioner to run his P.D.S. Shop under P.D.S. (control) order, 2001 in accordance with Law or any other relief/s permissible under the facts and circumstances of the 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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

