

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9662 of 2019

=====

Md. Mohsin Ansari Son of Md. Gafur Ansari, Resident of Village- Dahua,
P.S. Baunshi, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District- Banka.
3. The Sub- Divisional Officer, Banka, District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.S.Raza Ahmad (Aag5)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 16-10-2025

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

*"I. For issuance of appropriate writ/order/direction in the nature of certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Banka and issued vide Memo No. 28 dated 16.11.2018 whereby and whereunder licence of the petitioner's Fair Price Shop bearing No. 27/12 has been cancelled with immediate effect contained in **(Annexure-1)**.*

II. For issuance of appropriate writ/order/direction in the nature of



mandamus commanding the respondents to restore the petitioner's licence as before and to make allotment for the petitioner's shop.

III. Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him."

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 two months 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	N/A

