

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11835 of 2019

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Raj Kishore Lal Das S/o Late Satya Narayan Lal Das Resident of Village-
Kako, P.O. Kako, P.S. Jhanjharpur, Dist.-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Food Supply and Commerce, Department Govt. of Bihar, Patna
2. The District Magistrate, Madhubani
3. The District Supply Officer, Madhubani
4. The Sub-Divisional Officer, Jhanjharpur, Dist. Madhubani
5. The Block Supply Officer, Jhanjharpur, Dist.-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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

Date : 23-09-2025

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

“(i) For issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the Memo no.116 dated 23.03.2019 issued by Sub-Divisional Officer Jhanjharpur whereby and where under the P.D.S. Licence No.16/2007 of the petitioner has been cancelled without looking into the show-cause filed by the petitioner.



(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents to allow the P.D.S. Licence No. 16/2007 of the petitioner which has been earlier given by the Sub-Divisional Officer, Jhanjharpur in favour of petitioner and also give the allotment of Article for distribution among public.

(iii) To pass such other order or orders as your Lordships may deem fit and proper in the facts and circumstances of this 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)

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

