

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1492 of 2018

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Rina Devi Wife of Niranjana Singh Resident of Village- Kazi Daulatpur, P.O. -
Samasapur, Police Station- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supplies,
Government of Bihar, Patna
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub-Divisional Officer, Sadar, Gaya.
5. The Block Supply Officer, Belaganj, Gaya.
6. The District Manager, State Food Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Arvind Ujjwal SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-08-2025

1. The writ petition is filed for the following relief(s):

“For issuance of appropriate writ/writs, order/ orders for setting aside the order dated 15.12.2017 contained in Memo No. 1005 issued by the Sub Divisional Officer, Sadar, Gaya, whereby and whereunder the P.D.S. License No. 04 of 2012 has been cancelled and further to direct the Respondent Authorities to permit the petitioner to run the P.D.S. shop which has been issued in favour of the



petitioner by order dated 23.02.2016 contained in memo No. 168 issued by the Sub Divisional Officer, Sadar, Gaya and/or any other relief or reliefs to which the petitioner may be found entitled encourse of hearing of this writ application.”

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	19.08.2025
Transmission Date	

