

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11274 of 2019

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Jai Prakash Pandey Son of Late Brijanandan Pandey Resident of Village-
Bhawanipur, P.S.- Surajgarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate Lakhisarai.
3. The Sub Divisional Officer Lakhisarai, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suresh Prasad Singh
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 26-09-2025

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

“I. For issuance of writ, order, or direction particularly in the nature of writ of Quo Warranto for demanding an explanation from respondents particularly respondent no. 2 &3 that the licence of P.D.S. of the petitioner bearing Licence No. 1/1978 and Licence No. 28/1989 has been suspended/cancelled by the licensing authority or not?.

II. For issuance of writ, order or direction for quashing the suspension/cancellation of petitioner's P.D.S. Licence No. 1/1978 & 28/1989 in exercise of power confers under Clause



28 of the Bihar Targeted P.D.S. (Control) Order, 2016 on the ground that a case has been instituted against the petitioner u/s 7 of E.C. Act before the Special Judge, Munger and no any show cause notice has been issued against the petitioner by any licensing authority regarding cancellation/suspension of the petitioner's licence and no any foodgrains and K. Oil has been allowed to lift for distribution of the card holders.

III. For any other relief or reliefs to which the petitioner is found entitled to in 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.09.2025
Transmission Date	N/A

