

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12629 of 2019

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Omeshwar Tiwari, son of Late Kashi Nath Tiwari, resident of village-
Chandwa, PS-Ara Nawada, District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Old Secretariat, Patna
3. The District Magistrate, Bhojpur, Ara
4. The Sub-Divisional Officer, Sadar Ara, District-Bhojpur
5. The Deputy Collector, Land Reforms Sadar, Ara, District-Bhojpur
6. The Deputy Collector, Ara, District-Bhojpur
7. The District Supply Officer, Bhojpur, Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Mishra
	:	Ms.Pragati Singh
	:	Mr.Shashank Shekhar
	:	Ms.Vidhi Shree
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-10-2025

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

“(i) The impugned order dated 30.07.16 passed by Sub-Divisional Officer, Ara be set aside whereby and whereunder the PDS license no. 20/07 has been cancelled.

(ii) The Respondent authorities be directed to recall the order dated 30.07.16 and the petitioner be allowed to run his PDS shop like before.”



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	15.10.2025
Transmission Date	

