

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13602 of 2019

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Lilma Devi Wife of Din Bandhu Das Resident of Village-Nagrah, P.S.-
Naugachia, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Divisional Commissioner Bhagalpur Division, Bhagalpur
3. The District Magistrate Bhagalpur
4. The District Supply Officer Banka
5. The Sub Divisional Officer Naugachia, District-Bhagalpur
6. The Assistant Supply Officer Naugachia, District-Bhagalpur
7. The Block Supply Officer Naugachia, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Nath Jha, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-10-2025

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

“i. For issuance of writ in the
nature of Certiorari to quash the order of
Sub-Divisional Officer, Naugachia
communicated vide Memo No. 135 dated
04.02.2019 by which Licence No. 72/1993
issued under Public Distribution System in
the name of petitioner has been cancelled.

ii. For issuance of Writ in the
nature of mandamus commanding and



directing the respondents to restore the licence No. 72/1993 under Public Distribution System by revoking/reviewing the cancellation order dated 04.02.2019 passed by Sub-Divisional Officer, Naugachia so that the widow petitioner should not be faced hand to mouth problem.

lii. That the Hon'ble Court may be pleased to grant any other relief or reliefs to the petitioner as this Hon'ble court may thinks it proper in the present 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.10.2025
Transmission Date	

