

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10113 of 2018

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Jitendra Kumar Bharti @ Jitendra Bharti son of Chandeshwar Ram Resident of village - Bahilwara Dhanushi, P.O. Dhanushi, Panchayat - Gadha, P.S. Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Conservation Department, Government of Bihar, Patna
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate-cum-Collector, Sitamarhi, District - Sitamarhi.
4. The Sub-Divisional Officer, Sitamarhi Sadar-cum-Licensing Authority, District - Sitamarhi.
5. The Block Supply Officer, Runnisaidpur, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-07-2025

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

“(I) for quashing the order dated 20.03.2018 passed by the Respondent no.4 and contained in his memo no.166 dated 20.03.2018 whereby and where under the Respondent no.4 has been pleased to cancel the license of the petitioner under the Public Distribution System (hereinafter referred to as P.D.S.) bearing License No.02 of 1999 and order to attach the consumers of the petitioner's



shop with the nearest dealer on the ground that the aforesaid order has been passed by the Respondent no.4 without any consideration to the show-cause filed by the petitioner in response to the show-cause notice issued against him as also along with show-cause notice the copy of the so-called enquiry report was not served to the petitioner

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to restore the license and supply of the petitioner's shop which has been terminated in most arbitrary and unlawful manner.

(III) For issuance of any other writ/writs, order/ orders, direction /directions for which the writ petitioner would be found entitled under 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, it is evident from the reliefs prayed for in the writ petition that the petitioner has an alternative remedy of appeal available to him 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	08.07.2025
Transmission Date	

