

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19616 of 2019

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Sunil Kumar S/o Ganauri Prasad Resident of Mohalla- Bark Delha,
Kharkhura Road, Ward No. 2, P.s.- Delha, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food Consumer and Protection Department, Govt. of Bihar, Patna
2. The Divisional Commissioner Magadh Division, Gaya
3. The District Magistrate Gaya
4. The Sub-Divisional Officer Sadar, Gaya
5. The District Supply Officer Sadar, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 11-04-2025

1. The petitioner has filed the instant application for the following reliefs:

“(i) For issuance of an appropriate writ in nature of certiorari and for quashing the memo No. 652 dated 10.07.2019 whereby the whereunder the Sub-Divisional Officer, Sadar, Gaya has cancelled his P.D.S. Licence No. 03/19 without following the principles of natural Justice.

(ii) For issuance of an appropriate writ in the nature of 'Mandamus' and direction may given to



the authorities concerned to restore his P.D.S. Licence No. 03/2019 as the same was given after due verification and after examining the require document asked through the as advertisement No. 01/17.

(iii) For issuance of any other writ/writs , order /orders as may deem fit and proper.”

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.

Provided that once an appeal has been disposed of by the District Officer,



the time for issue or renewal of the license of the fair price shop owner by the licensing authority shall begin from the date of decision of the District Officer on the appeal.”

3. Admittedly, the present case is filed against the order of Licensing Authority whereby vide Memo No. 652 dated 10.07.2019 the Sub-Divisional Officer, Sadar, Gaya has cancelled the PDS Licence No. 03/19 of the petitioner.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the 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 of filing an appeal, the writ petition is disposed of with a direction to the petitioner to avail of this alternative remedy before the District Magistrate.



The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within two months from the date of filing.

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	11.04.2025
Transmission Date	

