

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18677 of 2019

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PACS, P.D.S. Shop, Gram Panchayat Basarhi (Bodhgaya) through its PACS Chairman Munna Kumar, aged about 37 years, Gender-Male, S/o Late Ramjatan Singh, R/o Village-Nima, P.S.-Bodhgaya, District-Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-10-2025

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

“For quashing the order contained in Memo No. 787 dated 15.11.2017 (Annexure-1) issued by Respondent no. 5 whereby and whereunder the license of the petitioner PACS P.D.S. Shop bearing No. 04/2011 has been cancelled, and further for giving a direction to restore the license of the PACS Shop with immediate effect, and/or pass



other order/orders as may deem fit
and proper in the present 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 two months 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	17.10.2025
Transmission Date	

