

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23407 of 2019

=====

Deoki Manjhi S/o Lalo Manjhi Resident of Village Gohra, P.S.- Fatehpur,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The SDO, Sadar Gaya.
3. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.
For the Respondent/s : Mr. S.Raza Ahmad (AAG-5)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-08-2025

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

*“ That the present application
is being filed for challenging the order
dated 04.10.2017 passed by SDO, Sadar
Gaya contained in Memo No. 634
whereby and whereunder the PDS license
being License No. 73 of 2007 was
cancelled on the ground that the
petitioner has failed to file any reply to
show cause notice which shows the
charge found true and petitioner has
nothing to say about the allegation
alleged against him.”*

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 relief 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	21.08.2025
Transmission Date	

