

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11872 of 2018

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Pramod Kumar Singh Son of Sri Nagendra Prasad Singh @ Nagendra Singh,
resident of Village- Bariyariya Tola Rajpur, Post office- Mangalapur, Police
Station- Sangrampur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
2. The District Magistrate, East Champaran, Motihari.
3. The Sub Divisional Officer, Areraj District- East Champaran, Motihari.
4. The Block Supply Officer cum Marketing Officer, Sangrampur, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2025

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

“ for quashing the ordered dated 12/06/17 vide memo number 325 issued by Sub Divisional officer, Areraj, District-East Champaran whereby and whereunder licence of the P.D.S. shop bearing number 01/09 has been cancelled by Sub Divisional officer, Areraj, District-East Champaran as per para 29 of public distribution system (control) order 2016 as contained in Annexure- 5 to this writ petition



(ii) for issuance of an appropriate writ commanding the respondent to reinstate / allow the licence of P.D.S. shop bearing number 01/2009 -10 to the petitioner

(iii) For any other relief/reliefs for which the petitioner is entitled under law as well as on facts and circumstances of the said 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2025
Transmission Date	

