

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19107 of 2018

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Pramod Kumar Pravin S/o Sri Indradev Kamat Resident of Village - Bela,
P.O. Manohar Patti, Ward No. 1, Ghoghadriya Panchayat, P.S. - Nadi Thana
Barahara, District - Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The Collector, Supaul.
4. The S.D.O. Nirmali, Supaul.
5. The District Supply Officer, Supaul.
6. Kartik Kamat S/o Late Surya Narayan Kamat Grampanchayat Ghoghardiya,
P.S. Marauna, District - Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Adv.
For the Respondent/s : Mr. Arvind Ujjwal- SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 30-07-20251.

1. The writ petition is filed for the following

reliefs:-

*(a) A certiorari setting-
aside the order contained in
memo no. 1010-2 dated
23.08.2018 issued under the
signature of respondent Sub-
Divisional Officer, Nirmali as
contained in Annexure- 11,*



whereby and whereunder licence of the petitioner for running fair price shop under Grampanchayat Ghoghadriya under Marauna Block in the District of Supaul, and has illegally arbitrarily been cancelled on certain extraneous consideration only with a view to accommodate private respondent no. 6, for which the petitioner was duly issued licence no. 10/2018 by the licencing authority after selection by District Level Selection Committee constituted under Bihar Targeted P.D.S. (Control) order 2016 (here-in-after control order 2016).

(b) A mandamus commanding the respondent authorities to restore the licence no. 10/ 18 of the petitioner for running fair price shop under Ghoghadriya Gram Panchayat, which has been cancelled in complete violation of statutory provision incorporated Under Sections 27 (1) of the Bihar Control order 2016 and



allow the petitioner to run his fair price shop on the basis licence duly granted to him by restraining the respondent authority from further proceeding in the matter on the basis of impugned order dated 23.08.2018. (Annexure-11).

(c) Any other writ or writs for granting any other relief (s) for which the petitioner is found entitled to in the facts and circumstances of 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 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	12.08.2025
Transmission Date	

