

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20425 of 2016

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Mithilesh Prasad Sahu Son of Late Baidnath Sah, Resident of Muhalla and
Post - Benipur, P.S. Bahera, District - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Darbhanga, District - Darbhanga
3. The Sub Divisional officer, Benipur, Darbhanga, District - Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-07-2026

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

“For issuance of an appropriate writ, order or direction to the respondent licensing authority the Sub-Divisional Officer, Benipur, Darbhanga, to make allotment for petitioner’s P.D.S. shop which has early long been tagged with one Gopal Prasa Sahu P.D.S. dealers shop and or quashing the order passed by the same authority if any by which license of the petitioner has been suspended or cancelled because no any paper regarding the suspension and or cancellation order has not been served to the petitioner til today.”



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 and Section 32(vi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(iii) 32(v) and 32(vi) 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.”

32. (v) Till the disposal of appeal pending, the Appellate Authority may direct that the order under appeal shall not take effect for such period as the authority may consider necessary for giving a reasonable opportunity to the other party under sub-clause (4) or until the appeal is disposed of, whichever is earlier.

(vi) Due to non disposal of the appeal within sixty days by the District Officer or against the order



passed in the appeal, a revision may be filed before the Divisional Commissioner. The revision shall be disposed of within two months.

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that initially the shop of the petitioner was tagged with another P.D.S. licensee and being aggrieved by the same, this Writ petition was filed. Further, during pendency of the Writ petition, the license of the petitioner was cancelled. However, he intends to file a representation before the District Magistrate/concerned authority, but the limitation period for filing the same has lapsed. He prayed for a direction to the concerned authority to entertain the same in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing



representation, the Writ petition is disposed of with a direction to the petitioner to file representation within one month from the date of receipt of this order before the concerned authority. The delay in filing the representation shall be condoned by the authority concerned, and the authority concerned shall dispose of the same within three months from the date of filing of the same.

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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.07.2026.
Transmission Date	

