

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20337 of 2019

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Shyam Deo Sah @ Shaymdev Sah S/o Late Vansi Sah Resident of Village-
Bara Takia, Khodaibagh, P.s.- Khaira, District- Saran

... .. Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner Saran at Chapra
3. The District Magistrate Saran at Chapra
4. The Sub-Divisional Officer (Supply Division) Chapra Sadar, Saran at Chapra
5. The Block Supply Officer Nagra, Saran at Chapra
6. The Block Supply Officer Baniyapur, Saran at Chapra

... .. Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate
For the Respondents : Mr. S. Raza Ahmad, AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 22-06-2026

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

“(I). For issuance of an appropriate Writ in the nature of certiorari for quashing the memo no. 403 dated 18.01.2019 issued under the signature of the Sub Divisional Officer (Supply Branch), Chapra Sadar, by which, the license of the petitioner under Public Distribution System bearing license No. 17/2016 has been cancelled, without appreciating the facts and circumstances.



(II). For issuance of an appropriate Writ in the nature of mandamus for commanding and directing the respondent authorities concerned to restore the license of the petitioner bearing license no. 17/2016 granted to him for distribution of foodgrains under Public Distribution System, so that the petitioner might be able to distribute the essential commodities to the ration card holders, without any further delay.

(III). For issuance of any other Writ/Writs, order/orders, direction/directions for which the petitioner would be entitled 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 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 he intends to file a representation before the 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 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)

Shanu/-

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

