

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21252 of 2019

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Rajendra Prasad Yadav @ Rajendra Yadav son of Maloki Yadav resident of
Village- Ghuthiyara, P.O. Pathadda, P.S. Fullidumar, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Sub Divisional Officer, Banka District- Banka.
4. The District Supply Officer, Banka.
5. The Block Supply Officer, Banka, Fullidumar, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.
For the Respondent/s : Mr.S.Raza Ahmad (AAG5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-07-2026

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

*"I. For issuance of Writ in
nature of certiorari to quash the
order of respondent no. 3, the Sub-
Divisional Officer, Banka,
communicated vide Memo No. NIL,
dated Nil, signature of S.D.O. Banka
dated 21.08.2019 by which license
No. 23/2012 issued under Public
Distribution System in the name of
the petitioner is cancelled with
immediate effect for non compliance
of provision of point 25 & 27(i) of
Bihar Public Distribution System
(Control) Order, 2016.*

II. for issuance of Writ in



the nature of mandamus commanding and directing the respondents, Specially Respondent No. 3 to restore the license of the petitioner issued under Public Distribution System (PDS) and allow the petitioner to run continue his shop of P.D.S so that petitioner may maintain his livelihood.

III. For holding and declaration that petitioner did never wrong in running this shop and in distribution of food grain to the consuming in proper way and in time.

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 four weeks 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)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.07.2026.
Transmission Date	

