

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20794 of 2019

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Md. Hasim Haidar @ Md. Hasim Haider Ansari, son of Late Md. Mukim
Unis, resident of ward No. 6, Gogri, P.S.- Gogri, District- Khagaria.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Deptt. of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The District Magistrate, Khagaria, Distt- Khagaria.
4. The Sub-divisional Officer-cum- Licensing Officer, Gogri, District- Khagaria.
5. The District Supply Officer, Gogri, Distt- Khagaria.
6. The Block Supply Officer, Gogri, Distt- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Respondent/s : Mr. S.Raza Ahmad (Aag5)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 22-06-2026

1. Heard the Learned counsel for the petitioner as well as Learned counsel for the respondents.

2. It is submitted by the Learned counsel for the petitioner that the petitioner has filed the Writ petition challenging the cancellation order of PDS, passed by the Sub-divisional Officer, Gogri dated 06.09.2019. It is further submitted that the the petitioner died during the pendency of the Writ



petition and he intends to file a substitution petition to bring the legal heirs on record.

2. On the other hand, 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 to prefer an appeal against cancellation orders of the PDS license under the provisions of Bihar Targeted Public Distribution System (Control) Order, 2016, and without availing the alternative remedy, the petitioner has approached this Court.

5. Taking into consideration that the petitioner is no more and alternative remedy is also available, the Writ petition is disposed of with a direction that, instead of filing a substitution petition in the Writ petition, if the legal heirs of the petitioner intend to prefer an appeal, they shall approach the concerned authority within one month from the date of receipt of this order. In turn, the concerned authority shall dispose of the appeal within three



months from the date of filing of the appeal, considering the materials available on record.

7. With the above said observation, the Writ petition is disposed of.

8. 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	

