

(2026) 08 PAT CK 2362

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.11624 of 2022

Chandra Devi

APPELLANT

Vs

The State Of Bihar & Ors.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bihar Targeted Public Distribution System (Control) Order, 2016 — Section 32(iii),
32(vi), 32(v), sub-clause (4)
Limitation Act — Section 5

Citation : (2026) 08 PAT CK 2362

Hon'ble Judges : G. Anupama Chakravarthy, J

Bench : Single Bench

Advocate : Mr.Sanjay Kumar Sharma, Mr.Arvind Ujjwal (Sc4)

Final Decision : Disposed of

Judgement

Date : 05-08-2026

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

That by filing the present writ petition, the petitioner seeks quashing of the order dated 11 July 2022 (Memo No. 792) {Annexure- P/6} passed by the Licensing Authority-Sub Divisional Officer, Araria-respondent No. 3 whereby and whereunder the Public Distribution Shop (PDS) license No. 76J/2016 of the petitioner was cancelled on the ground of non-renewal of the license. Consequentially the petitioner also seeks a direction upon the respondents to restore the license upon payment of renewal fee.

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.

FOOTNOTES

1. **AFR/NAFR** NAFR
2. **CAV DATE** N/A
3. **Uploading Date** 05.08.2026
4. **Transmission Date** NA