



2025:PATHC:93819

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19224 of 2019

Labhair Mukhiya @ Lavhar Mukhiya Son of Jayant Mukhiya, Resident of
Village- Godah, P.S.-hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Departement, Old Secretariat, Patna.
2. The District Magistrate, Samastipur, District-Samastipur.
3. The Sub-Divisional Officer, Rosara, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-10-2025

1. The Writ petition is filed for the following

reliefs:-

A. For quashing and setting aside the order passed by the Sub-Divisional Judicial Officer, Rosara vide Memo No. 413 dated 10.7.2000 whereby and whereunder license of petitioner's fair price shop has been cancelled with immediate effect and quashing and setting aside the order dated 14.02.2014 passed by the Principal Secretary, Food and Consumer Protection Department, Bihar Government, Patna by which, it has been stated that it is not





reasonable to consider the application of the petitioner.

B. A mandamus commanding the respondents to restore the petitioner's license as before and to make allotment for the petitioner's shop.

C. Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.

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. Section 32(iii) 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.”

3. Admittedly, from the reliefs prayed for in the Writ petition, it is evident that the petitioner has an alternative remedy of appeal under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016. However, without availing such remedy, the petitioner directly approached to the Principal Secretary.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the





petitioner has an alternative remedy for filing an appeal, the Writ petition is disposed of with a direction to the petitioner to file an appeal before the concerned District Magistrate, within two months from the date of receipt of this order. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observations, the Writ petition stands disposed of.

7. Interlocutory Application(s), if any, shall also stand disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	

