

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17982 of 2015

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Rajeev Kumar, Son of Sri Indradeo Singh, resident of Village- Rahatpur, P.S.-
Surjagarha, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate, Lakhisarai
4. The Sub-Divisional Officer, Lakhisarai
5. The Block Supply Officer, Block- Pipariya, Distt- Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. A. K. Thakur,
Mr. Ravi Ranjan,
Mr. Nilesh Kumar, Advocates
For the State : Mr. Dhananjay Kumar, A.C. to G.P. 16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-12-2015

Heard learned counsel for the petitioner and the State.

The petitioner's licence granted for running PDS shop has been cancelled vide order dated 09.07.2013 by the Sub-Divisional Officer-cum-Licensing Authority, Lakhisarai. The petitioner preferred appeal before the District Magistrate, Lakhisarai which was also dismissed. The petitioner filed a revision bearing Supply Revision No.147/2015 assailing the appellate order. However, the same has also been rejected vide Annexure 6 dated 16.09.2015 on the ground that revision has been filed after four months.

Revision against the order passed by the appellate

authority has been provided under Clause 15(b) of the Public Distribution System (Control) Order, 2001. Clause 15(a) prescribes that the appeal before the District Magistrate can be filed within 30 days but, so far revision is concerned, no limitation period appears to have been prescribed under the statute. Of course, there is a direction to the authority concerned to dispose of the revision petition within a period of three months.

In my view, the revisional order has been passed without considering the provision of law and, as such, the same cannot be sustained in law. Accordingly, the impugned order as contained in Annexure 6 is quashed and set aside. The matter is remitted back to the revisional authority to consider it afresh in accordance with law for taking a final decision after granting reasonable opportunity to the petitioner. While doing so, he will also consider the provision of law which would apply for the purpose of limitation in filing revision.

Accordingly, this writ application stands allowed to the extent as indicated above.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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