

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8483 of 2016

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1. Shivnath Lal Das @ Vishwanath Lal Das son of Late Jawahar Lal,
Resident of village- Basuham, Post and P.S.- Bahera, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Consumer Protection Department, Old Secretariat, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga
3. The Collector and District Magistrate, Darbhanga, District- Darbhanga
4. The Sub-Divisional officer, Benipur, District- Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the State : Mr. Indradeo Pasad, SC28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-06-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, petitioner is challenging the order of the Sub Divisional Officer, Benipur vide Memo No.46 dated 11.2.2013 by which licence of the petitioner for PDS shop has been cancelled which has been affirmed by the District Magistrate, Darbhanga in Case No.49 of 2013 dated 7.1.2014 by which appeal filed by the petitioner against the cancellation order has been rejected. He has also prayed for quashing the order dated 6.1.2016 passed by the Commissioner, Darbhanga in PDS Revision No.3 of 2015 by which the revision filed by the petitioner against the appellate



order has been rejected on the ground of time barred.

Clause 15 of the Public Distribution System (Control) Order, 2007 provides about entertainment of revision by the Commissioner against the order passed by the appellate authority. The revision petition shall be disposed off within a period of three months.

In such view of the matter, rejection of the revision of the petitioner on the ground of time barred does not survive and the order of the Commissioner dated 6.1.2016 is set aside. The matter is remanded back to the Commissioner, Darbhanga with a direction to dispose of the same in accordance with law. While disposing of the revision petition the Commissioner will take into consideration the order dated 8.10.2015 passed by this Court in C.W.J.C. No. 5898 of 2014. The revisional authority will dispose of the matter within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

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