

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9163 of 2019

=====

Virendra Prasad Verma Son of Late Harinandan Prasad Verma Resident of
Jhajha, Ward No. 20, Purani Bazar, P.S. Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Jamui.
3. The Sub- Divisional Officer-cum- Licensing Authority, Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 09-12-2024

1. The Writ petition is filed for issuance of appropriate Writ for quashing the order dated 22.01.2019 passed by the District Magistrate, Jamui in Supply Appeal Case No. 02 of 2018, whereby Appeal of the petitioner was rejected. Further, for quashing the order contained in Memo No. 1139/Sub-Divisional Officer dated 25.09.2018 issued by the Sub Divisional Officer-cum-Licensing Authority, Jamui whereby the license of the petitioner bearing License No. 10 of 2016 was cancelled.

2. At this juncture, the Learned counsel for the respondents contended that Section 32 of Bihar & Orissa



Public Distribution System (Control) Order, 2016 envisages the provision for appeal and Section 32(v) and (vi) reads as under:-

(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, the present case is filed against the order of District Magistrate in Supply Appeal No. 02 of 2018 dated 22.01.2019.

4. The Learned counsel for the petitioner contended that he intends to file revision before the Divisional Commissioner, but limitation period for filing revision lapsed and prayed to direct the concerned Divisional Commissioner to entertain the revision petition along with Section 5 of Limitation Act.

5. Taking into consideration that the petitioner has alternative remedy for filing a revision, the Writ petition is disposed of directing the petitioner to avail his alternative remedy before the Divisional Commissioner and the delay in filing the revision shall be condoned by the Divisional Commissioner and further the authority shall dispose of the revision within two months from date of the filing of the revision.

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



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

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.12.2024
Transmission Date	N/A

