

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13780 of 2017

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Kishor Kumar Son of Late Ram Narayan Yadav, Resident of Village-Behrari,
P.S.Shankarpur, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Food and Civil Supply
Department, Government of Bihar
2. District Magistrate Cum Collector, Madhepura.
3. Sub Divisional Officer, Madhepura.
4. Block Supply Officer, Shankarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2025

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

“... to quash the order dated
13.07.2017 passed by the Court of Learned
Collector-cum-District Magistrate,
Madhepura in Public Distribution System
Appeal No. 08 of 2017, by which order
dismissed the Limitation Petition and
accordingly the appeal filed by the
petitioner has not been accepted. ”

2. At this juncture, the Learned counsel for
the respondents contended that Section 32(vi) of



the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of revision. Section 32(v) and (vi) read as follows:

“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, the present case is filed against the order of District Magistrate in PDS Appeal Case No. 08 of 2017 dated 13.07.2017.

4. The Learned counsel for the petitioner contended that he intends to file a revision before the Divisional Commissioner, but the limitation period for filing the revision has lapsed. He prayed for a direction to the concerned Divisional



Commissioner to entertain the revision petition in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing a revision, the writ petition is disposed of with a direction to the petitioner to file the revision petition within four weeks from the date of receipt of this order before the concerned Divisional Commissioner. The delay in filing the revision shall be condoned by the Divisional Commissioner, and the authority shall dispose of the revision petition 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.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2025
Transmission Date	

