

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12325 of 2018

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Shandev Mallik son of Late Gulat Mallik, Resident of Village- Babhangama,
P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector cum- District Magistrate, Madhepura.
3. The District Supply Officer, Madhepura.
4. The Sub- Divisional Officer, Udaikishunganj, District- Madhepura.
5. The Block Supply Officer, Bihariganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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

2 03-07-2025 1. The writ petition is filed for the
following reliefs:

“(i) For quashing the order dated 25.04.2018 passed by the Collector, Madhepura (Respondent No.2) in PDS License Appeal Case No. 64/2017 whereby the order of S.D.O. Udakishunganj dated 23.08.2017 cancelling the licence of the petitioner has been affirmed and appeal was dismissed.

(II) For quashing the order dated 23.08.2017 contained in Memo No. 3486 issued by the S.D.O., Udakishunganj whereby the P.D.S. license of the petitioner



bearing no. 184 of 2007 has been cancelled on the charges of irregularity in distribution.

(iii) To direct the respondents to restore supply to the petitioner.

And for any other relief (s) for which the petitioner is found to be entitled in the facts and circumstances of the case.”

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 License Appeal Case No. 64/2017 dated 25.04.2018.

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)

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