

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14132 of 2018

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Upendra Yadav S/o- Late Ram Sunder Yadav, resident of Village- Diwari,
P.O.- Kabariya, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food & Civil Supplies,
Government of Bihar, Patna
2. The Collector, Darbhanga at Darbhanga.
3. The Sub Divisional Officer, Sadar, District- Darbhanga at Darbhanga.
4. The Block Supply Officer, Darbhanga at Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Dr. Satyendra Kumar Srivastava, Advocate
For the Respondent/s : Mr. Arvind Ujjwal – SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 06-05-2025

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

(I). That an appropriate writ in the nature of certiorari to quash the orders dated 28.07.2003 and 21.3.2018 contained in Annexure-2 and 6 to the Writ petition respectively be issued.

(ii) That an appropriate writ in the nature of mandamus commanding the respondents to restore licence No. 84/1990 be issued.



(iii) That any other relief/reliefs, for which the petitioner is found entitled, may be granted.”

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 dated 21.03.2018 whereby the appeal filed by the petitioner has been dismissed.

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 within two months from the date of filing of the revision petition.

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	07.05.2025
Transmission Date	

