

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7730 of 2019

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Baleshwar Singh son of Late Devnath Singh resident of Village- Kurba Tand,
P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum- Collector, Jamui, District- Jamui.
3. The District Supply Officer, Jamui, District- Jamui.
4. The Sub Divisional Officer, Sub Division- Jamui, District- Jamui.
5. Additional District Supply Officer, Jamui. District- Jamui.
6. The Block Supply Officer, Block- Khaira, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nityanand Mishra, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-09-2025

1. The Writ petition is filed for the following reliefs:-

“(i) For issuance of writ in the nature of certiorari for quashing and setting aside the order dated 24.7.2018 (Annexure-9) passed and issued by the District Magistrate-cum-Collector, Jamui (respondent no.2) whereby and where under the respondent no.2 affirmed the official order dated 20.9.2016 passed by the Sub-Divisional Officer, Jamui



(respondent no.4) and issued vide Memo No. 654 / AnuAa dated 20.9.2016 (Annexure-8).

(ii) Further to quash and set aside the order 20.9.2016 passed by the Sub-Divisional Officer, Jamui (respondent no.4) and issued vide Memo No. 654 / AnuAa dated 20.9.2016 (Annexure-8) whereby and where under the respondent no.4 canceled the Licence of the Fair Price Shop of the petitioner.

(iii) Further for issuance of writ in the nature of mandamus directing/commanding the respondents to restore the Licence of Fair Price Shop of the petitioner as he is bonafidely and regularly distributing the material to the consumers.

(iv) Further for any other relief/reliefs for which the petitioner is entitled to.

2. At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal and Section 32(vi) of the Bihar Targeted



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

“32 (iii). Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.”

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 the District Magistrate in Supply Appeal Case No. 01 of 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 Divisional Commissioner. The delay in filing the revision shall be condoned by the Divisional Commissioner, and the authority shall dispose of the revision within three 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)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.09.2025
Transmission Date	

