

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10249 of 2019

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Malti Sinha Wife of Ram Babu Prasad Resident of Village-Nauru, P.S.-Nauru
District-Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary Department of Food and Civil Supplies, Govt. of Bihar, Patna
3. The District Magistrate Jehanabad
4. The Sub-Divisional Officer, Jehanabad
5. The Block Supply Officer Jehanabad
6. The Assistant District Supply Officer, Jehanabad
7. The Supply Inspector, Mohanganj, Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mirtunjay Kumar Mishra, Advocate
	:	Ms.Sushmita Mishra, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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

Date : 16-10-2025

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

a. For the issuance of a rule in the nature of writ of certiorari for quashing the order dated 19.11.2018 passed by respondent no. 2, The District Magistrate, District Jehanabad, whereby and where under the P.D.S. Appeal No. 26/D.M./2017 against the cancellation of the P.D.S. licence of the petitioner has



been refused to be accepted and the order dated 28-01-2017 passed by the respondent no. 4, Sub Divisional Officer, Sub Division, Jehanabad whereby and where under the P.D.S. licence of the petitioner bearing No. 04/2000 (old) and 22/07 (new) has been cancelled.

b. For the issuance of a rule in the nature of writ of Mandamus commanding the respondent authorities to revoke the cancellation of the aforesaid licence of the petitioner for the benefit of the beneficiaries of the petitioner.”

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 P.D.S. Appeal No. 26/D.M./2017 dated 19.11.2018.

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 two months 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

