

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21988 of 2018

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Mahesh Prasad Son of Late Ram Lakhan Prasad, Resident of village- Bara Bishunpura, P.S. Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Food and Consumer Protection Deptt. govt. of Bihar, Patna.
2. District Magistrate-cum-Collector, East Champaran, Motihari.
3. Sub-Divisional Magistrate, Sub-Division, Chakia, District- East Champaran.
4. Block Supply Officer, Mehshi, P.S. mehshi, District- East Champaran, Motihari.
5. S.H.O. Rajepur, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.S. Raza Ahmad

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-08-2025

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

“(A) to quash the order being Memo No.136 dated 26.07.2016 issued under the signature of Sub-Divisional Officer, Chakia, East Champaran at Motihari by which he has suspended the PDS license No. 5/11 of the petition and to further direct to release the rice and wheat of the petitioner which has been seized and is rotting.



(B) to pass any such other order or orders as this Hon'ble Court thinks fit and proper under the facts and circumstances of this 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, from paragraph 9 of the Writ petition, it is evident that the petitioner has



already approached the District Magistrate and preferred a Supply Appeal No. 103/17 dated 19.04.2017.

4. It is the specific contention of the Learned counsel for the petitioner that he is not aware of the factual position, as to whether the appeal has been disposed of or not? However, even if the appeal has been disposed of, the petitioner has an alternative remedy to file a revision before the Divisional Commissioner. It is contended that if the appeal is disposed of, liberty may be granted to file a revision before the concerned Divisional Commissioner in accordance with law including the limitation aspect.

5. Taking into consideration that the petitioner has already availed the alternative remedy by preferring an appeal, the Writ petition is disposed of with a direction to the petitioner to prefer a revision, if at all the appeal is disposed of, 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	22.08.2025
Transmission Date	

