

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12038 of 2018

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Harishchandra Jha Son of Late Kashi Kant Jha, Resident of Village P.O.-
Bishwanathpur Tarauni, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna
2. The Commissioner-cum-Deputy Director Food, Food and Consumer Protection Department, Darbhanga Division, Darbhanga
3. The District Magistrate-cum-District Collector-cum-District Officer-cum-Appellate Authority, Darbhanga
4. The District Supply Officer, Darbhanga.
5. The Assistant District Supply Officer, Darbhanga.
6. The Sub Divisional Officer, Benipur, Darbhanga.
7. The Block Supply Officer, Banipur, Darbhanga.
8. The Supply Inspector, Benipur, Darbhanga.
9. Satish Chandra Jha, Son of Late Kashi Kant Jha, Resident of Village P.O.-
Bishwanathpur Tarauni, P.S.- Bahera, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Prem Kumar Jha, Rajesh Kumar Jha, Advocates
For the Respondent/s	:	Mr. Arvind Ujjwal SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2025

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

“(i) for setting-aside the order dated 22.11.2017 (Annexure-9) passed by the Court of learned Collector-cum-District Magistrate, Darbhanga (respondent no.- 3) in P.D.S. Appeal No.-49/2016 whereby and whereunder earlier order contained in memo



no. 69 dated 03.03.2016 (Annexure-7) passed by the Sub Divisional Officer, Benipur (respondent no.-6) has been cancelled without considering the materials / evidence / documents issued by the higher authority after due enquiry.

(ii) for setting-aside the order dated 5.2.2018 (Annexure-10) passed by the Sub Divisional Officer, Benipur (respondent no.-6) whereby and whereunder in the light of order dated 22.11.2017 (Annexure-9), the license no.- 17/1985 of P.D.S. dealer- Satish Chandra Jha (respondent no.-9) has been restored.

(iii) for taking appropriate necessary action against P.D.S. dealer namely Satish Chandra Jha (respondent no.-9) and to appoint other eligible person as P.D.S. dealer according to law and in the interest of public in general.

(iv) Pass any other relief/s for which the petitioner is found to be entitled under the given 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 P.D.S. Appeal No. 49 of 2016 dated 22.11.2017.

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 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2025
Transmission Date	

