

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21290 of 2018

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Lal Muni Devi W/o Late Ravindra Singh, Resident of Village-Sarmastpur,
P.S.-Paro, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub Divisional Officer West, Muzaffarpur.
4. The Block Supply Officer, Paroo, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr.Dhananjaya Nath Tiwari, Advocate
	:	Mr. Roop Kishan, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal -Sc4

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

Date : 01-08-2025

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

“For quashing of the order contained in Memo No. 2167 dated 03.09.2016 by which PDS license of the petitioner being License No. 23030102/2008 has been cancelled by the Learned SDO, West Muzaffarpur and further for quashing the order dated 24.08.2018 passed in Supply Appeal Case No. 24/2016-17 by which the statutory appeal filed on behalf of the petitioner has been rejected and further



be pleased to restore the license and supply 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 Supply Appeal Case No. 24 of 2016-17 dated 24.08.2018.

4. The remedy available under the Act is to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee he cannot review his orders in an appeal. Therefore, the petitioner is directed to file a complaint/application before the Divisional Commissioner.

5. 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.

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

7. With the above said observation, the Writ petition is disposed of.

8. 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	02.08.2025
Transmission Date	N/A

