

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16119 of 2017

=====

Rajendra Sah S/o Late Bhagawati Sah, resident of Village- Lamichour, P.S.-
Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar Patna
2. The Commissioner, Saran Division, Chapra.
3. The Collector cum District Magistrate, Gopalganj at Gopalganj.
4. The Sub Divisional Officer, Hathua, District Gopalganj.
5. The Assistant District Supply Officer, Hathua, District Gopalganj.
6. The Block Supply Officer, Bhore, District- Gopalganj.
7. The Block Supply Inspector, Bhore, District- Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advcoate
For the Respondent/s : Mr.S.Raza Ahmad -AAG 5

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 17-06-2025

1. I.A. No. 1 of 2019

1. This interlocutory application has been filed for amendment in prayer portion of para-1 of the writ petition by addition of the reliefs mentioned in paragraph No. 1 (D) of the interlocutory application.

2. I.A. No. 1 of 2019 is hereby allowed amending the prayer portion. The reliefs mentioned in paragraph No. 1(D) thereof would form part of the writ petition



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

“A. A writ in the nature of certiorari or any other appropriate writ for quashing the order dated 13.04.2017 contained in memo No. 416, passed by Sub Divisional Officer Hathua, Gopalganj (Respondent no. 4) whereby and where under the license of Public Distribution system (PDS) dealership bearing No. 32/2016 of petitioner for supply of food grains/K.Oil for consumer / beneficiaries of Gram Panchayat Raj Lamichour has been cancelled by the with immediate effect. [Annexure-4]

B. For issuance of a writ in the nature of Mandamus or any other appropriate writ, order/s, direction/s, commanding the Respondents for the followings :-

I. To treat Annexure- 4 to the petition to be nullity and non-est in the eye of law.

II. To restore the P.D.S dealership license bearing number 32/2016 granted to petitioner for supply of goods within the jurisdiction of Gram Panchayat Raj Lamichour falling within



Bhore Block of the Gopalgang district and to allow him to carry on the dealership business.

C. For any other relief/s to which the petitioner is found entitled to.

D. A writ in the nature of Certiorari or any other appropriate writ for quashing the order dated 12.01.2018, passed in Supply Appeal Case No. 7/2017, by respondent collector, Gopalganj (Respondent No. 3) whereby and where under he has dismissed the appeal filed by the petitioner and decline to interfere in the order dated 13.04.2017 contained in memo no. 416 passed by Sub- Divisional Officer, Hathua, Gopalganj (Respondent no. 4) in respect of cancelation of PDS Dealership License bearing no. 32/2016 of the petitioner for supply of food grains/ K. OIL for consumers/ beneficiaries of Gram Panchayat Raj, Lamichaur of Hathua Block of Goaplganj district.(Annexure-7)”

4. 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.

5. Admittedly, the present case is filed against the order of District Magistrate passed in Supply Appeal Case No. 7/2017 dated 12.01.2018.

6. 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.



7. 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.

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

9. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.06.2025
Transmission Date	

