

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11424 of 2018

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Ramadhar Singh S/o Late Satya Narayan Singh, resident of Village-
Nemopur, P.S.- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Food, Civil Supplies and Consumer Protection, Government of
3. The Collector- Cum- District Magistrate, Muzaffarpur.
4. The Sub- Divisional Officer-Cum- Licensing Authority, East, Muzaffarpur.
5. The Block Development Officer, Muraul, Muzaffarpur.
6. The Block Supply Officer, Muraul, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Sunil Kumar Verma Suman Kumar Verma Anish Kumar, Advocates
For the Respondent/s	:	Mr. S.Raza Ahmad -AAG 5

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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) To quash the order contained in Memo No. 333 dated 24.04.2017 issued by the Sub- Divisional Officer, East, Muzaffarpur cancelling therein the licence of the petitioner being no. 03-MUR- 02-08 in terms of the Public Distribution System (Control) order, 2001 for running a fair price shop with immediate effect.



(ii) To further quash the order dated 27.02.2018 passed by the learned Collector-Cum- District Magistrate, Muzaffarpur in Supply Appeal Case No. 20/17-18 rejecting thereunder the Appeal filed by the petitioner dated 11.05.2017 affirming thereby the order of the licensing authority.

(iii) To direct the appropriate respondent authority/ies to restore the said P.D.S. Licence being no. 03-MUR-02-08 in favour of the petitioner forthwith resuming allotment of articles and commodities meant for the fair price shop.

(iv) To any other relief/reliefs to which the petitioner is found entitled to in the 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 Supply Appeal Case No. 20 of 17-18 dated 27.02.2018.

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 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	

