

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20298 of 2018

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Rajesh Kumar Ray @ Rajesh Ray Son of Sri Ramdayal Ray Resident of
Village- Pathloutiya, P.O.- Kateshar, P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Deptt., Old Secretariat, Patna
2. The Collector and District Magistrate, Patna, District-Patna.
3. The Sub-Divisional Officer, Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad- AAG5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 31-07-2025

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

“A. For quashing and setting aside the order passed by the Sub-Divisional Officer, Danapur and issued vide Memo No. 1410 dated 18/11/2014 whereby and whereunder licence of the petitioner's Fair Price Shop bearing No. 06/2012 has been cancelled contained in Annexure 1 and quashing and setting aside the order dated 27/1/2018 passed by the learned Collector and District



Magistrate, Patna in E.C. Appeal Case No.- 73/2014-15 contained in Annexure - 4 whereby and whereunder appeal filed by the petitioner against the cancellation order has been rejected.

B. A mandamus commanding the Respondents to restore the petitioner's licence as before and to make allotment for the petitioner's shop.

C. Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him."

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. 73 of 2014-15 dated 27.01.2018.

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 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	31.07.2025
Transmission Date	

