

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20734 of 2019

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Nityanand Sharma S/o Chuni Lal Sharma, Resident of Village-Srinagar, Ward
No. 7, P.S.-Srinagar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Food and Consumer Protection Department of Bihar, Old Secretariat, P.O.-Sachivalaya, Patna-800015 (Bihar).
2. The Collector cum District Magistrate, Madhepura.
3. The Sub Divisional Officer, Madhepura, District-Madhepura.
4. The District Supply Officer, Madhepura.
5. The Block Supply Officer, Kumarkhand Block, District-Madhepura.
6. Devesh Kumar S/o Yogendra Yadav, R/o Ward No. 07, Village and P.S. Srinagar, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG 5
For the Respondent No.6:		M/s Kumar Ravish Sanjay Sharma, Rohit Kumar, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-04-2025

1. The writ petition is filed for setting aside of the order dated 31.08.2019 passed in Miscellaneous Application (PDS Shop Selection) Case No. 126/2018 by Collector-cum-District Magistrate, Madhepura whereby the PDS license No. 19/2018 of the petitioner was cancelled.

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 Miscellaneous Application (PDS Shop Selection) Case No. 126/2018 dated 31.08.2019.

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 of filing a revision, the writ petition is disposed of with a direction to the petitioner to avail of this alternative remedy 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.

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	22.04.2025
Transmission Date	

