

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17937 of 2018

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Tretanath Singh Son of Late Jagnarayan Singh, Resident of Village-
Pahlejpur, P.S.- Gorla Kothi, District- Siwan.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shyam Kishore, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad- AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-08-2025

(1) The writ petition is filed for the following
reliefs:-

(A) For quashing and setting aside the order passed by the Sub-Divisional Officer, Maharajganj and issued vide Memo No. 719 dated 28/11/2012 whereby and whereunder licence of the petitioner's Fair Price Shop bearing No. 45/2007 has been cancelled contained in Annexure 1 and quashing and setting aside the order dated 17/4/2018 passed by the learned Collector, Siwan in Supply Appeal Case



No. 403/17-18 contained in Annexure 2 whereby and whereunder appeal filed by the petitioner against the cancellation order has been rejected and further to restore the petitioner's licence as before and to make allotment for the petitioner's shop.

(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 Sub-Divisional Officer, Maharajganj and issued vide Memo No. 719 dated 28/11/2012 and order dated 17.04.2018 passed by the Learned Collector, Siwan in Supply Appeal Case No. 403/17-18.

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 one month 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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2025
Transmission Date	

