

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25800 of 2019

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Rakesh Chaudhary @ Surendra Chaudhary, S/O Ram Sakal Chaudhary, R/O Village- Salempur Titu, Gaura-6, (Bajalpura), Panchayat- mansapur, Ward no. -6, P.S. and Block- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Begusarai.
3. The Sub-Divisional Officer, (Supply) Teghra, Begusarai.
4. The Block Supply Inspector, Teghra, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prem Chand Yadav
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-07-2025

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

“..... for setting aside the order dated 28-9-2018 passed by the District Magistrate-cum-Collector, Begusarai, passed in Misc. Appeal (PDS) Case no. 11 of 2017 (Annexure-P/4) which has been passed without considering the facts and circumstances of the case.

II. For setting aside the order of cancellation of PDS License by the S.D.O. (Supply) Teghra, Begusarai vide Memo no.- 696 dated 13-10-2016 (Annexure-P/3)



bearing License no. 02/2000/TEG-74/2016 in contravention of Clauses -28 of Bihar Targeted P.D.S. Control Orders, 2016. which is not correct and not at all tenable in the eye of law..”

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 Misc. Appeal (PDS) Case No. 11 of 2017 dated 28.09.2018.

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	02.07.2025
Transmission Date	

