

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19838 of 2019

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Nagina Khatoon, wife of Md. Aslam, Resident of village- Akuraha Khargi,
Gram Panchayat Raj Madhopur Dullam, @ Dhemha, Ward No. - 2, P.O. and
P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District- Magistrate, Muzaffarpur.
4. the District Supply Officer, Muzaffarpur.
5. The Sub Divisional Officer, West District- Muzaffarpur.
6. The Block Development Officer, Kanti District- Muzaffarpur.
7. The Marketing Officer, Muzaffarpur West District- Muzaffarpur.
8. Usha Kumari, Wife of Kumar Basant Shayam, resident of Village and P.O.- Kanti, P.S.- Kanti, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 22-06-2026

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

[A] For issuance of an appropriate writ, order or direction for setting aside the Memo No-522 dated 09-03-2019 whereby and where under private respondent No-8 is selected for running PDS shop under Bihar Targeted Public Distribution System (Control) order, 2016, so far it relates to the privates



respondent No-8.

[B] For issuance of an appropriate writ, order or direction to dispose of the petition dated 02-08-2019, whereby petitioner and local people objected the selection of the private respondent on the various ground.

[C] For issuance of an appropriate writ order or direction for stay the operation of the Memo No-522 dated 09-03-2019 so far it relates to the private respondent No- 8.

[D] For any other relief or relief the petitioner is entitled in the opinion of this Hon'ble High Court.

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 petitioner has filed a representation dated 02.08.2019 before the District magistrate.

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)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

