

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17886 of 2017

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Amar Nath Mishra, Son of Late Surendra Mishra, Resident of village Aasi,
P.S. Ghanshyampur, District Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food & Civil Supply
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna
3. The District Collectorate, Darbhanga
4. The Sub Divisional Officer, Biraul, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 19-06-2025

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

“That this petition is being filed for setting aside the order dated 17/8/2016 passed by the learned Collector and District Magistrate Darbhanga in P.D.S Case No. 55/2014 whereby and where under he was pleased to confirm the order No. 2060 dated 12/8/14 passed by the Sub Divisinoal Officer Biraul whereby the said order he was pleased to cancel the licence



of the shop of the petitioner which had been running under Public Distribution System as contained in Annexures 4 and 5. ”

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 PDS



Case No. 55/2014 dated 17.8.2016.

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 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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2025
Transmission Date	

