



2025:PATHC:93807

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17236 of 2019

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Gulab Devi Wife of Palatan Mandal Resident of Village - Maubehat, P.S. -
Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector and District Magistrate District- Darbhanga.
3. The Sub-Divisional Officer Sadar, Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Arvind Ujjawal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-10-2025

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

***“A. For quashing and setting
aside the order passed by the Sub-
Divisional, Officer, Sadar, Darbhanga,
Vide Memo No. 817 dated 08.09.2014
whereby and whereunder licence of the
petitioner’s Fair Price Shop bearing No.
82/07 has been cancelled with
immediate effect contained in
Annexure-1 and quashing and setting
aside the order dated 25.01.2017
passed by the Learned Collector and
District Magistrate, Darbhanga in Case
No. 53 of 2014 contained in Annexure-7***





whereby and whereunder appeal filed by the petitioner against the cancellation order has been closed.

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 the petitioner may be found entitled in the facts and circumstances of the present case may be granted to her."*

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, Darbhanga in Case No. 53 of 2014 dated 25.01.2017.

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 eight weeks 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. It is needless to mention that before passing any order, the petitioner should be given a fair opportunity of hearing.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.10.2025
Transmission Date	

