

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15167 of 2017

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Garib Das @ Garib Das Rai @ Garib Rai S/o Rajdhar Lal Rai, R/o Village-
Mohammadpur Babhangama, Panchayat Pichhala, P.S.- Kishanganj, District-
Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Patna
2. The District Magistrate, Kishanganj.
3. The Sub Divisional Magistrate, Kishanganj.
4. The District Supply Officer, Kishanganj.
5. The Block Supply Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, 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 : 20-06-2025

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

“(a) To quash the order dated 06.06.2017 passed by the respondent District Magistrate Cum Appellate authority Kishanganj which is approved the order, of the which the license of the S.D.O. Kishanganj in petitioner's License (52K/ 2017) cancelled earlier on 8/10/11 only on the basis of Black-marketing.

(b) For issuance of appropriate writ (s) to the respondent S.D.O. to



restore the license of the petitioner bearing 52 K/ 2007 for running his fair price shop.

(c) For any other consequential relief (s) for which petitioner is entitle for in the fact and circumstances of the case.”

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 Appeal Case No. 13 of 2011 dated 06.06.2017.

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 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	

