

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19171 of 2017

=====

Bhim Prasad Harijan S/o Sakhi Lal Harijan, Resident of village- Hatgaon,
P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The District Magistrate- cum-Collector, Kishanganj.
3. The Sub Divisional officer, Kishanganj.
4. The Deputy Collector, In-charge M.D.M., Kishanganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG 5

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 30-06-2025

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

“(i) ... for setting aside the show cause notice in memo no. 813 dated 22.09.2014 and also for quashing the order contained in memo no. 960 dated 15.11.2014 passed by learned S.D.O., Kishanganj by which he was pleased to cancelled the PDS license of the petitioner being license no. 18TR/2007 and also for quashing the order dated 20.06.2017 passed in PDS Appeal Case No. 05 of 2015 by the learned Collector, Kishanganj by which he was pleased to dismiss the



appeal and further be pleased to restore the license and supply of the petitioner.”

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. 05 of 2015 dated 20.06.2017.

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 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	30.06.2025
Transmission Date	

