

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11109 of 2018

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Ram Pravesh Bhuiyan son of Tetar Bhuiyan resident of village - Karma Tola,
Budhaila, P.S. Kasma, District Aurangabad.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar No. 6, Advocate
For the Respondent/s : Mr. Arvind Ujjwal SC4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-07-2025

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

“(i) For quashing the order dated 9.1.2018 passed by the Collector, Aurangabad (Respondent No.2) in PDS Appeal Case No. 31/2014 whereby the order of S.D.O. Aurangabad dated 23.7.2013 in Supply Misc. Case No. 79/2013 cancelling the licence of the petitioner has been affirmed and appeal was dismissed.

(II) For quashing the order dated 23.7.2013 passed by the S.D.O..



Aurangabad in Supply Misc. Case No. 79/2013 whereby the representation of the petitioner has been rejected and order cancelling P.D.S Licence dtd 31.1.2012 has been affirmed and also quash the order dated 31.1.2012 by which learned S.D.O. has cancelled the P.D.S. licence of the petitioner.

And for any other relief (s) for which the petitioner is found to be entitled in the facts 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. 31 of 2014 dated 09.01.2018.

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	03.07.2025
Transmission Date	

