

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20371 of 2018

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Rajendra Prasad Ram @ Rajendra Ram Son of Rit Lal Ram, Resident of
Village- Bhorha, P.S.- Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Department of Food and 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

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Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 01-08-2025

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

*“For setting aside the show
cause notice contained in memo no. 805
dated 22.09.2014 and also for quashing
the order contained in memo no. 956
dated 15.11.2014 passed by learned
S.D.O. Kishanganj by which he was
pleased to cancelled the P D S licence of
the petitioner being license no.
30TR/2007 and also for quashing the
order dated 11.07.2017 passed in PDS
Appeal Case No. 04/2015 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. 04 of 2015 dated 11.07.2017.

4. The remedy available under the Act is to prefer an appeal before the District Magistrate. As the District Magistrate is the head of the Selection Committee he cannot review his orders in an appeal. Therefore, the petitioner is directed to file a complaint/application before the Divisional Commissioner.

5. 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.

6. 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 one month 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.

7. With the above said observation, the Writ petition is disposed of.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.08.2025
Transmission Date	N/A

