

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24573 of 2018

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Mukul Kumar Choudhary S/o Sri Vivekanand Choudhary Resident of Village-
Sonbarsa, P.S. Bihpur, Sub Division Naugachia, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, Bhagalpur
3. The District Supply Officer Bhagalpur
4. The Sub-Divisional Officer, Naugachia.
5. The Block Supply Officer, Narayanpur, District- Bhagalpur
6. The Block Development Officer, Narayanpur, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, Advocate

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

Date : 22-08-2025

1. The writ petition is filed for issuance of an appropriate writ/writs and order/orders in the nature of Certiorari for quashing of the Order contained in Memo No. 245 dated 30.05.2016 issued under the signature of Sub-Divisional Officer, Naugachia i.e. Respondent No. 4 by which the PDS license of the petitioner bearing License No. 08/92, village Sonbarsa, Gram Panchayat Bihpur, South has been cancelled and further for quashing of the consequential order dated 14.09.2018 passed in E.C.



Appeal No. 32/2016-17 by the Collector, Bhagalpur and further for any other appropriate relief and reliefs for which the petitioner is 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 E.C. Appeal No. 32/2016-17 dated 14.09.2018.

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 revision 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.09.2025
Transmission Date	N/A

