

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23810 of 2018

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Ganesh Prasad Gupta Son of Late Bishwanath Sah Resident of village -
Shahpur Tekari Road P.o P.s. Aurangabad, Distt. Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad.
3. The District Supply Officer, Aurangabad.
4. The Sub-Divisional Officer, Aurangabad
5. The Block Supply Officer, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 02-09-2025

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

(i) For quashing of the order dated 11.12.2017 issued by SDO, Aurangabad, by which Licence i.e. Licence No. 15/AT/90 of Public Distribution System of the petitioner has been cancelled and further for quashing the order dated 16.07.2018 passed by District Magistrate, Aurangabad in PDS Appeal No. 12/18, by which appeal of the petitioner has been dismissed and order dated 11.12.2017 passed by SDO, Aurangabad has been



affirmed.

(ii) For direction to the respondent authority to reinstate the licence of the petitioner and supply the goods of his PDS shop.

(iii) For any other order/orders on the facts and circumstances stated hereinafter 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, Aurangabad in PDS Appeal No. 12 of 2018 dated 11.12.2017.

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 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. It is needless to state that the petitioner shall be given an opportunity of hearing before passing any orders.

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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.09.2025
Transmission Date	

