

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14066 of 2019

=====

Dhirendra Kumar Singh Son of Dudheshwar Singh, Chairman, PACS, Khairacum-Public Distributor, Panchayat Khaira, Block Barun, P.S.- Barun, District-Aurangabad.

... .. Petitioner/s

Versus

1. The Principal Secretary, Food and Consumer Protection Department Bihar at Patna.
2. The District Collector-cum-District Magistrate, Aurangabad.
3. The Sub-Divisional Officer, Aurangabad.
4. The Marketing Officer, Barun, P.S.- Barun, District- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

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

“(i) For quashing the order dated 25.05.2018 passed in PDS Appeal No. 57 of 2017 passed by the District Magistrate-cum-Collector, Aurangabad by which the PDS Appeal of the petitioner with regard to PDS license no. 2/B/87 has been cancelled by affirming the order passed by the Sub Divisional Officer, Aurangabad in supply case no.



69/2017; on the ground that the petitioner has not been supplied the enquiry report or the investigation report done by the Marketing Officer, Barun as evident from Annexure-P-1, P-3 to the writ application.

(ii) For quashing the order dated 13.10.2017 bearing Memo No. 6038 dated 13.10.2017, passed by the Sub Divisional Officer, Aurangabad by which the PDS license of the petitioner has been cancelled; on the ground that the petitioner has not been supplied the enquiry report or investigation report at any point of time, this is in violation of principles of natural justice;

(iii) For a direction to the respondent no. 3 to restore the PDS license of the petitioner bearing PDS license no. 02/B/87 of Panchayat Khaira, block Barun, District - Aurangabad.

(iv) For any other order / orders for which the petitioner is entitled for."



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 dated 13.10.2017, passed by the Sub Divisional Officer, Aurangabad and the order dated 25.05.2018 passed by the District Magistrate-cum-Collector, Aurangabad in PDS Appeal No. 57 of 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 a period of two months 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.

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)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2025
Transmission Date	

