

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15288 of 2019

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Javahar Prasad @ Jawahar Prasad Son of Late Ramdhari Prasad Resident of
Village- Noniya Pura, P.O.- Sowar, P.S.- Krishna Brahm, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Buxar.
3. The District Supply Officer Buxar.
4. The Sub Divisional Officer Dumraon P.S.- Dumraon, District- Buxar.
5. The Block Supply Officer Dumraon, P.S.- Dumraon, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-10-2025

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

“(i) To issue a writ in the
nature of Certiorari to quash the
order dated 12.03.2019 (Annexure-8)
passed by Collector & District
Magistrate, Buxar in Case (Appeal)
No 66 of 2018 whereby and where
under the learned District
Magistrate, Buxar illegally and
arbitrarily dismissed the appeal filed
by the petitioner and affirm the order



dated 31.07. 2018 passed by the Sub Divisional Officer Dumraon, Buxar.

(ii) To issue a writ in the nature of Certiorari to quash the order dated 31.07.2018 (Annexure-6) passed by the Sub Divisional Officer, Dumraon, Buxar, contained in memo no. 2350 dated 31.07.2018 whereby and where under the learned Sub Divisional Officer, Dumraon illegally and arbitrarily cancelled the PDS license bearing no. 406 of 2016 of the petitioner without any evidence.

(iii) To issue a writ in the nature of Mandamus Commanding the respondents particularly respondent no. 4 to restore the PDS licence of the petitioner with immediate effect.

(iv) To pass any other order or orders, issue any other writ or writs, direction or directions for which the petitioner is entitled to in the facts and circumstances of this 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 dated 31.07.2018 (Annexure-6) passed by the Sub Divisional Officer, Dumraon,



Buxar and the order dated 12.03.2019 (Annexure-8) passed by the Collector & District Magistrate, Buxar in Case (Appeal) No 66 of 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 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	

