

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21797 of 2018

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Jagdish Pawan Son of late Nand Kishor Paswan Resident of Village- Chauria,
Panchayat- Kahudag, P.S. Barachatti, District- Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nikhilesh Kumar
For the Respondent/s : Mr.Arvind Ujjwal - Sc4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-08-2025

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

(i) For issuance of writ in the nature of certiorari for quashing or order dated 07.08.2018 passed by District Magistrate, Gaya in Supply Appeal Case No. 38 of 2017 whereby appeal filed by the petitioner has been dismissed.

(ii) For issuance of writ in the nature of certiorari for quashing of order dated 30.07.2013 passed by Divisional Officer, Sherghati, Gaya whereby License bearing No. 551 of 2007 of PDS Shop of



the petitioner has been cancelled with immediate effect.

(iii) For issuance of writ in the nature of mandamus direction to respondents to restore the license No. 551 of 2007 of PDS Shop of the petitioner and to permit the petitioner to run PDS Shop in full fledge without any hindrance.

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, Gaya in Supply Appeal Case No. 38 of 2017 dated 07.08.2018.

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 four weeks 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)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2025
Transmission Date	

