

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21246 of 2018

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Ramvilas Dinkar @ Ramvilas Prasad Dinkar Son of Sri Lalo Dinkar, Resident
of Village- Dhandhar, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Food and Protection, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, Dist- Gaya.
4. The Block Supply Officer, Wazirganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

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

Date : 01-08-2025

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

“For setting aside the order dated 07.08.2018 passed by the Ld. District Magistrate, Gaya by which he has dismissed the Supply Appeal Case No. 43 of 2016, filed against the order dated 19.05.1995 passed by the Ld. S.D.O. Sadar Gaya whereby the license No. 39/92 of the petitioner carrying on business under the Public Distribution System as a P.D.S dealer has been cancelled after it’s suspension and order



to start allocation to the shop of the petitioner declaring the cancellation order null and void and/or pass such other order(s) as your Lordships deem fit and proper under 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 Supply Appeal Case No. 43 of 2016 dated 07.08.2018.

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 a complaint/application 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	02.08.2025
Transmission Date	N/A

