

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21083 of 2018

Om Patel S/o Late Surendra Kumar, Resident of Kurmichak, P.S. Ghoshwari,
District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Barh, Patna.
4. The Block Supply Officer, Ghoshwari, Patna.
5. The Assistant Registrar, Primary Agriculture, Co-Operative Societies, Brah
Circle P.S. Barh, Distri
6. Sunita Devi W/o Not Known Chairman Bihar Agriculture Co-operative
Society Kurmichak P.S. Ghoswari District-Nalan

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-07-2026

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

*“I. For issuance of an
appropriate writ /writs order dated
1.7.2016 contained in Memo No.
1254 issued by the District
Magistrate, Patna by which the
respondent has rejected the
representation of petitioner for
allotment of Shop under Public,
Distribution system in License No.
03/2008*

II. For issuance of an



appropriate writ an order to direct the respondents to allow the petitioner to run P.D.S. Shop under License No. 3/2008 under Primary Agriculture co-operative Society Kurmichak, Ghoswari Patna.

III. The aforesaid shop was allotted to the petitioner in the year 1999 under License No. 12/99 and as per fair price shop order 2007a new License No. was allotted to him in P.D.S. Shop license No. 3/2008 and arbitrary in the year 2010 allotted to respondent no. 6 being newly elected Chairman of PACS, Ghoswarifel."

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, Patna.

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.



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)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2026.
Transmission Date	

