



2025:PATHC:92524

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14790 of 2019

Mahabub Alam Son of Sarguddin @ Sarafodin Resident of Village-
Lakshmipur, Panchayat- Lakshmipur, P.S.- Dighalbank, Block- Dighalbank,
District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department Food and Consumer Protection Deptt., Bihar, Patna.
2. The Principal Secretary Department Food and Consumer, Bihar, Patna.
3. The District Magistrate-cum- Collector Kishanganj.
4. The Sub- Divisional Officer Kishanganj.
5. The Executive Magistrate Kishanganj.
6. The Block Supply Officer Dighalbank, District- Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

Date : 13-10-2025

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

"1. For quashing of the order dated 04.07.2017 passed by the Court of District Magistrate, Kishanganj (respondent No. 3) in P.D.S. Appeal No. 14 of 2011 as well as Memo No. 564 dated 18.08.2011 passed by the Sub-Divisional Officer, Kishanganj (respondent No. 4) in Records No. 10 of 2011 through which license of P.D.S.





Shop of petitioner bearing reg. No. 13D/2007 has been cancelled.

II. For further direction upon the respondent authorities to renew the license of P.D.S. Shop of petitioner bearing reg. No. 13D/2007.

III. Also for any other relief/reliefs for which the petitioner is entitled in the eye of law."

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 P.D.S. Appeal No. 14 of 2011 dated 04.07.2017.

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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.10.2025
Transmission Date	N/A

