

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.15868 of 2015**

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Parmanand Tiwary, son of late Sahdeo Prasad Tiwary, Resident of Village and Post - Jhanjhara Ps. Pasraha, District Khagaria.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and consumer Protection Department Old Secretariat, Patna.
2. The District Magistrate, Khagaria, District- khagaria.
3. The Sub-Divisional officer, Gogri, District Khagaria.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.

For the State : Mr. Arvind Kumar, A.C. to G.A.-9

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 18-10-2017**

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order dated 18.08.2015 passed by the Sub-Divisional Officer, Gogri, District-Khagaria, whereby and where-under he has cancelled the P.D.S. licence of the petitioner.

On the basis of inspection report a show-cause notice was issued to the petitioner on 20.06.2015, which the petitioner has replied on 29.06.2015. The Sub-Divisional Officer, was not satisfied with the explanation and passed the order dated 18.08.2015, thereby cancelled the P.D.S. licence of the petitioner.



It appears that the petitioner instead of exhausting the alternative remedy has directly approached this Court as there is provision of appeal against the order of the Sub-Divisional Officer.

In such view of the matter, let the petitioner exhaust the alternative remedy of appeal before the appellate authority. If the petitioner files an appeal before the appellate authority within a period of four weeks from today, the appellate authority shall dispose of the same within a period of three months from the date of filing of such appeal.

With the aforesaid observations and directions, this writ application is disposed of.

**(Shivaji Pandey, J)**

pawan/-

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