

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18723 of 2017

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Ghanshyam Yadav, Son of Sri Suresh Prasad Yadav, resident of Village- Purvi Thatha, P.O.- Thatha, P.S.- Manshi, 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, Khagaria, District- Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. S. Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs –

“(A) A Certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Khagaria vide Memo No. 393 dated 4/11/2017 whereby and whereunder licence of the petitioner’s Fair Price Shop bearing No. – 39 M/2007 has been cancelled contained in Annexure-1.

(B) A mandamus commanding the Respondents to restore the petitioner’s licence as before and to make allotment for the petitioner’s shop.

(C) Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the



present case may be granted to him.”

2. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate, Khagaria is available to the petitioner against the impugned order dated 04.11.2017, which has not been availed of by the petitioner.

3. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to file an appeal before the District Magistrate, Khagaria for redressal of his grievances.

4. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

B.T/ Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

