

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.599 of 2018

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Sri Umesh Choudhary Son of late Dhanik Choudhary Resident of Village - Aahar Ward No. 13, Under Gram Panchayat Kathdumar, P.S. Simri Bakhtiyarpur, (O.P Kanariya), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department, Government of Bihar.
2. The District Magistrate cum Collector, Saharsa.
3. The Sub Divisional Officer, Simri Bakhtiyarpur, District Saharsa.
4. The Block Supply Officer, Simri Bakhtiyarpur, District- Saharsa,.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

The present writ petition has been filed against the order dated 05.10.2017 bearing Memo No. 1395-2 passed by the Sub-Divisional Officer, Simri Bakhtiyarpur, District Saharsa (respondent no. 3) whereby and whereunder the petitioner's P.D.S. Licence has been cancelled; and for connected reliefs.

2. At the very outset this Court takes note that the petitioner has alternate statutory remedy against the order of cancellation by way of appeal before the Collector, which has not been availed of by the petitioner.

3. Learned counsel fro the petitioner fairly accepts that remedy by way of appeal is available.



4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner to file appropriate statutory appeal against the impugned order of cancellation.

5. 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)

Chandran/BT

AFR/NAFR	NAFR
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