

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5051 of 2015

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Sachindra Mahto, Son of Laxmi Mahto, Resident of village Tepri, P.S. Piar,
District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. District Magistrate, Cum-Collector, Muzaffarpur.
4. Sub Divisional Officer, Muzaffarpur, East District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Respondents : Mr. Nivedita Nirvikar, GA 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-08-2018

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) To quash the order dated 30.9.13 a copy of which is annexed as Annexure-3 by District Magistrate Cum Collector, Muzaffarpur in P.D.S. Appeal No. 14/2008-09 by which he has dismissed the appeal filed by the petitioner and confirmed the order dated 24.6.2008 contained in Annexure-2 passed by S.D.O., East Muzaffarpur by which he has cancelled the P.D.S. licence bearing No. 7/95 on 1.4.08 and to restore the same with direction to the Authority to supply the articles to the petitioner under public institution system.

(B) To pass any such other order or orders as this Hon’ble Court thinks fit and proper under the facts and



circumstances of this case.”

3. At the very outset, this Court takes note that remedy by way of revision before the Divisional Commissioner is available to the petitioner against the impugned order passed in PDS Appeal No. 14/2008-09, which has not been availed of by the petitioner.

4. Learned counsel for the petitioner fairly accepts that remedy by way of revision is available

5. 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 a revision petition before the Divisional Commissioner for redressal of his grievances.

6. It is made clear that in case such a revision petition 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
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