

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6250 of 2016

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Bibi Sabina Khatoon @ Sabina Khatoon, Wife of Nasar Alam, Resident of Village
Joginder Gram Panchayat Bhansiya P.S. Mahalgaon (Jokihat) District- Araria.
..... Petitioner

Versus

1. The State of Bihar through its Secretary Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector-cum-District Magistrate Araria, district- Araria.
3. The Sub-Divisional Officer Araria, District- Araria.
4. The District Supply Officer Araria, District- Araria.
5. The Block Supply Officer, Araria, District- Araria.

..... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar, Advocate.

For the Respondents : Mr. Santosh Kr.Jha, GP-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2018

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 –

*“(i) For quashing the order of District Magistrate, Araria in
Appeal NO. 04 of 2015-2016 dated 05.02.2016 (Annexure-1)
by which District Magistrate, Araria dismissed the appeal of
the petitioner without Judicial Brain which is illegal
malafide and fit to be set aside and said District magistrate
confirm the cancellation of the PDS license dated 24.03.2015.*

*(ii) For the confirming order dated 24.03.2015 passed by
Sub-Divisional Officer, Araria contained in 5J/13
(Annexure-2) whereby and whereunder Sub-Divisional
Officer, Araria cancelled the license of the petitioner without
proper inquiry on the ground of vague allegation by
opponent party.*

(iii) For holding Annexure-1 and 2 dated 05.02.2016 and



24.03.2015 passed by District magistrate, Araria and Sub-Divisional Officer, Araria are illegal, arbitrary and without jurisdiction.

(iv) For any other relief or reliefs for which the petitioner is entitled in the eye of law."

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 dated 05.02.2016 passed in Appeal No. 04 of 2015-2016, which has not been availed of by the petitioner.

4. 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 her grievances.

5. 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.07.2018
Transmission Date	N.A.

