

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18937 of 2014

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Md. Ghyasuddin Son of Late Shamid, Resident of Village- Kadwa, Block & P.S. Raniganj, District- Araria, Bihar, a Public Distribution Shop (PDS) Owner of Village Panchayat- Kupari, Block- Raniganj, District-Araria.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Araria, Bihar.
3. The Sub-Divisional Officer, District-Araria, Bihar.
4. The District Licensing Officer, Araria, Bihar.
5. The Block Supply Officer, Raniganj- Block, Araria, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kundan Kumar Singh, Advocate.

For the Respondents : Mr. Vinay Kirti Singh GA-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

I.A. No. 1190 of 2015

This interlocutory application has been filed for substitution of the sole petitioner, who died on 28.10.2014, during the pendency of the writ petition.

2. Learned counsel for the respondents appears and has no objection to such prayer.

3. Having regard to the nature of the prayer, let the name of the petitioner be substituted with the names of his legal heirs, namely, Md. Suhani, Md. Modisir, Md. Sarfaraz, Md. Istekhar, Bibi Sahura, Bibi Farana and Bibi Farzana as described in paragraph-1 of the I.A. The interlocutory application stands disposed of.



4. Learned counsel for the petitioner is permitted to make necessary corrections in the array of the parties in course of the day.

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5. The present writ petition has been filed for quashing the order as contained in Memo No. 731 dated 12.07.2012 by which allotment of the shop of the petitioner under the Public Distribution System, under the provisions of the Bihar Trade Articles (License Unification) Order, 1984 for village Panchayat- Kupari, under ward nos. 9, 10, 11 and 12 has been cancelled as well as the order dated 29.08.2013 passed by the District Magistrate-cum-Collector, Araria, wherein the appellate authority has also dismissed the appeal of the petitioner.

6. At the very outset, this Court takes note that the petitioner has alternative statutory remedy against the order of cancellation by way of revision before the Commissioner, which has not been availed of by the petitioner.

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

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

9. It is made clear that in case such a revision 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/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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