

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21313 of 2014

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Shambhu Prasad son of Late Kuldeep Prasad, resident of village- Musachak,
P.S.- Bairginiya, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Sitamarhi.
2. The Sub-Divisional Officer, Sitamarhi Sadar.
3. The District Supply Officer, Sitamarhi.
4. The Assistant District Supply Officer, Sitamarhi.
5. Block Supply Officer, Bairginiya Block, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Respondents : Mr. R.R. K Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

The present writ petition has been filed for quashing the order as contained in Memo No. 631 dated 29.09.2014 issued under the signature of the Sub-Divisional Officer, Sitamarhi Sadar.

2. At the very outset, this Court takes note that the petitioner has alternative 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 for 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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