

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20435 of 2014

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Mr. Ram Nath Yadav, Son of- Ganga Dayal Yadav, Resident of Village-
Sukartola, P.O.- Bhadwar, Anchal- Dumrao, P.S.- Bagen Gola Bagen, District-
Buxer

.... Petitioner

Versus

1. The State of Bihar
2. The Collector of the District, Buxar
3. The Sub Divisional Officer, Dumraon, District- Buxar
4. The Block Supply Officer, Brahmpur, District- Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Brij Mohan Kumar Singh, Advocate

For the Respondents : Mr. Sunil Kr. Mandal, SC 3

Mr. Bipin Kumar, AC to SC 3

Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-07-2018

Heard learned counsel for the petitioner as well as
learned counsel for the State.

2. The present writ petition has been filed for the
following reliefs —

“(i) A writ of certiorari or any other writ be issued for quashing the order contained in Annexure-8 the order dated 04.02.2012 passed by the Sub-Divisional Officer, Dumraon, Respondent No.3 whereby and whereunder the License No. 1641 of 1991 granted to the petitioner under the Public Distribution System for fair price shop under the Bihar Trade Article (Licenses Unification) Order, 1984 (issued under the Essential Commodities Act, 1955) has been cancelled against the provisions of law.

(ii) A writ of mandamus or any other appropriate



writ/writs/directions be issued to the respondent concerned namely Respondent no. 3 i.e. the Sub Divisional Magistrate, Dumraon to restore the License of the petitioner No. 1641 of 1991 or fresh License under the Public Distribution System Control Order 2001 and 2007 be directed to be issued.

(iii) Any other relief or reliefs be given to which the petitioner be entitled under law."

3. At the very outset, this Court takes note that remedy by way of appeal before the Collector is available to the petitioner against the impugned order dated 04.02.2012, 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 appeal before the Collector, Buxar for redressal of his grievances.

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)

B.T/Chandran

AFR/NAFR	NAFR
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