

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3256 of 2014

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Harendra Narayan Shahi S/O Late Raghunath Shahi Resident Of Village- Moti Tola, P.S- Chautarawa, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Collector-Cum- District Magistrate, West Champaran, Bettiah.
2. The Collector- Cum- District Magistrate, West Champaran, Bettiah.
3. The District Supply Officer, Bettiah, West Champaran.
4. The Licensing Authority- Cum-Sub- Divisional Officer, Bagaha, District- West Champaran.
5. The Block Supply Officer, Bagaha- 1, West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Respondents : Mr. S.D. Sanjay, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2018

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) For issuance of a writ in the nature of certiorari or any other appropriate writ, order/s, direction, quashing the order dated 28.10.2013 passed by the respondent no. 2 in Case No. C.R.M.-26/12-13 whereby and whereunder the appeal of the petitioner was dismissed upholding the order dated 08.01.2013 contained in Memo No. 01 passed by the respondent no. 4 cancelling the license no. 96/2007.

(B) For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents for the followings:-

- I. To treat the annexures-4 & 5 to the petition to be nullity*



and non-est in the eye of law.

II. To hold that the impugned orders has been passed without considering the show cause/explanation of the petitioner in its right perspective.

(C) For any other relief/s to which the petitioner is found entitled to."

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 28.10.2013 passed in Case No. C.R.M.-26/12-13, 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 his 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/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.07.2018
Transmission Date	N.A.

