

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17882 of 2016

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Md. Farooque Alam Son of Md. Islamuddin, P.D.S. Dealer Gram Panchayat
Chatar, P.S. Araria, 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. Md. Ziaul Quamar

For the Respondents : Mr. SMT.NAMRATA MISHRA-GA6

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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. 20 of 2014-15 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 the said District Magistrate confirm
the cancellation of the PDS license dated 24.03.2015.*

*(II) For further quashing the order dated 22.02.2014 passed
by the Sub-Divisional Officer, Araria at Motihari, contained
in 70/13 (Annexure-2) whereby and whereunder Sub-
Divisional Officer, Araria cancelled 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
22.02.2014 passed by District Magistrate, Araria and Sub-*



Divisional Officer, Araria are illegal arbitrary and without jurisdiction.

(C) 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. 20 of 2014-2015, 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/BT

AFR/NAFR	NAFR
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