

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6839 of 2017

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Md. Awes Alam, son of Zijauddin, Public Distribution System Dealer Gram Panchayat Raj Kamaldaha, resident of Village- Premnagar, P.S.- Araria, District- Araria.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Prasad Singh, Advocate.

For the Respondents : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-03-2018

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

2. The present writ petition has been filed for quashing of the original order bearing Memo No. 456 dated 13.08.2016 issued under the signature of the Licensing Officer-cum-Sub-Divisional Officer, Araria (respondent no. 3) and the appellate order dated 17.02.2017 passed in Appeal No. 8/2016-2017 passed by the District Magistrate-cum-Collector, Araria (respondent no. 2) by which the licence of fair price shop of the petitioner under Public Distribution System bearing Licence No. 41A/2007 for Gram Panchayat Raj Kamaldaha has been cancelled.

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 17.02.2017 passed in Appeal No. 8/2016-2017, 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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