

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3785 of 2017

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Rajkishore Pandey, S/o Late Ramnarain Pandey, Resident of Village -
Ghanshyam Pakri, P.S.-Pipra, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, East Champaran at Motihari.
3. The District Supply Officer, East Champaran at Motihari,
4. The Sub Divisional Officer, Raxaul, East Champaran at Motihari.
5. The Block Development Officer, Chhauradano, East Champaran at Motihari.
6. The Block Supply Officer, Chhauradano, East Champaran at Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sangeet Deokuliar, Advocate

For the Respondents : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-03-2018

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

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

“(A) For setting aside the order dated 13.01.2017 passed by the District Magistrate, East Champaran at Motihari in Case No. 13 of 2015 [Rajkishore Pandey Vs. The State of Bihar] by which the appeal was dismissed confirming the order of Sub Divisional Magistrate, Chakia dated 01.06.2015 leading to the cancellation of the license with regard to Fair Distribution Shop of the petitioner bearing License No. 63 of 2007 in the following facts and circumstances of the case.

(B) For setting aside the order contained in Memo 420 dated 01.06.2015 passed by the Sub-Divisional Magistrate, Chakia, East Champaran at Motihari, by which the license with regard to Fair Distribution Shop of the petitioner has been cancelled



*without considering the facts and circumstances of the case.
(C) For grant of any other relief/s, if 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 13.01.2017 passed in Supply Appeal Case No. 13 of 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)

B.T/Chandran

AFR/NAFR	NAFR
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