

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19055 of 2017

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Dinesh Prasad, S/o Sheo Nandan Prasad, Resident of village- Koeri Bigha, P.S.-
Bankey Bazar, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food Commerce and Civil Supplies Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The District Supply Officer, Gaya.
6. The Block Supply Officer, Amas, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

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) To issue an appropriate order/s, direction/s including a writ preferably in the nature of Certiorari for quashing the order dated 11.11.2017 passed by the licensing authority i.e. Sub Divisional Officer, Sherghati, Gaya under the Bihar Targeted Public Distribution System (Control) Order, 2016 whereby and whereunder he has cancelled the license of fair price shop of the petitioner vide License No. 14/2016 rejecting the reply to the show cause filed by the petitioner.

(ii) To direct the respondent No. 4 the Sub Divisional Officer, Sherghati, Gaya to restore the license of the



petitioner henceforth.
(iii) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case."

3. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate, Gaya is available to the petitioner against the impugned order dated 11.11.2017 passed by the Licensing Authority i.e. Sub Divisional Officer, Sherghati, Gaya, 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 an appeal before the District Magistrate, Gaya 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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