

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5627 of 2016

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Ram Choudhary Son of Late Kailu Choudhary Resident of village - Keshoria,
Police Station - Kusheshwar Sthan, District - Darbhanga, At Present the PDS
Dealer of Gram Panchayat Raj Bhindua, Block - Kusheshwarsthan Purvi,
District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar, through its Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna
3. The Commissioner, Darbhanga Division, Darbhanga
4. The Collector, Darbhanga
5. The Sub - Divisional officer, Biraul, Darbhanga
6. The District Supply Officer, Darbhanga
7. The Circle Officer - Cum - Block Supply Officer, Kusheshwarsthan Purvi,
Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Kaushalesh Choudhary, Advocate.
For the Respondents : Mr. Uma Shankar, GP-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

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

*“(i) For issuance of an appropriate writ(s)/rule(s)/
direction(s) in the nature of mandamus commanding the
concerned respondents for quashing the order contained
in Memo No. 431 dated 25.0.2016, issued by the Sub-
Divisional Officer, Biraul, Darbhanga by which the PDS
licence of the petitioner has been cancelled.*

*(ii) For issuance of a direction to the concerned
respondents for restoration of petitioner’s licence and
ensure the regular supply of essential commodities to the
petitioner’s PDS Shop.*

(iii) For grant of other relief/reliefs to which the



petitioner may be found entitled on the facts and circumstances of the case.”

2. At the very outset, this Court takes note that the petitioner has alternative statutory remedy against the order of cancellation by way of appeal before the Collector, which has not been availed of by the petitioner.

3. Learned counsel for the petitioner fairly accepts that remedy by way of appeal is available.

4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner to file appropriate statutory appeal against the impugned order of cancellation.

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)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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