

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8175 of 2014

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Arjun Paswan, Son of Deonandan Paswan, Resident of village - Mainagard,
Panchayat, P.O. Prakhand, P.S. Modanganj, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department,
New Secretariate, Patna
2. The District Magistrate, Jehanabad, District Jehanabad
3. The District Supply Officer, Jehanabad, District - Jehanabad
4. The Assistant District Supply Officer, Jehanabad, District - Jehanabad
5. The Sub-Divisional Officer-cum- Licensing Officer, Jehanabad
6. The Block Development Officer-cum-Block Supply Officer, Modanganj,
District - Jehanabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate

For the Respondents : Mr. Raju Giri, GP-30

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-07-2018

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 issuance of a writ in the nature of certiorari for
quashing the order contained in Memo No. IV-309/2011-
1301/Aa dated 11.11.13 (Ann-1) issued under the
signature of S.D.O., Jehanabad, whereby and whereunder
the License of the petitioner for PDS has been cancelled
with immediate effect on the basis of illegal enquiry*



report and incorrect allegation.

(ii) For issuance of a further writ in the nature of certiorari for quashing the so called enquiry report submitted by the Block Supply Officer, Modanganj, Jehanabad on 16.09.2013 without any proper evidence.

(iii) For issuance of a consequential writ in the nature of mandamus directing and commanding the respondents to recall/set aside the order of cancellation of PDS license as no ingredients of section 7(i) of E.C. Act has been violated by the petitioner.

(iv) Any other relief or reliefs be granted to the petitioner to which he is found to be entitled to in accordance with a law."

3. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate is available to the petitioner against the impugned order contained in Memo No. IV-309/2011-1301/Aa dated 11.11.2013, 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 disposed of with liberty to the petitioner to file an appeal before the District Magistrate, Jehanabad 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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