

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1917 of 2015

=====

Shyamali Singh S/o Late Singheshwar Singh, Resident of Village - Kemara, P.S.
Ariari, District - Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate Sheikhpura.
2. The Sub-Divisional Officer, Sheikhpura.
3. The Block Supply Officer, Chebara, District - Sheikhpura.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Bipin Kumar, Advocate

For the Respondents : Mr. Md. Irshad, AC to SC 18

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2018

I.A. No. 8055 of 2017

This interlocutory application has been filed for substitution of the sole petitioner, who died on 08.09.2015, during the pendency of the writ petition.

2. Learned counsel for the respondents appears and has no objection to such prayer.

3. Having regard to the nature of the prayer, let the name of the petitioner be substituted with the names of his legal heirs, namely, Nirmala Devi his wife, Pankaj Kumar his son and three daughters, namely, Babita Devi, Punam Kumari and Pammi Kumari as described in paragraph 3 of the I.A. The interlocutory application stands disposed of.

CWJC No. 1917 of 2015

4. The main writ petition has been filed for setting aside



the order dated 19.12.2014 passed by learned District Magistrate, Sheikhpura in Supply Appeal No. 23 of 2014, whereby and whereunder the District Magistrate rejected the appeal of the petitioner.

5. 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 19.12.2014 passed in Supply Appeal No. 23 of 2014, which has not been availed of by the petitioner.

6. 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.

7. 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
CAV DATE	N.A.
Uploading Date	10.08.2018
Transmission Date	N.A.

