

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12889 of 2015

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1. Smt. Arti Chaturvedi W/o- Basant Chaturvedi, resident of Village- Chandwar, P.S- Bahadurganj, District Kishanganj.
2. Md. Jamil Akhtar @ Jamiluddin S/o Farhat Ali, resident of Village- Attabari Dohliya, P.S- Bahadurganj, District Kishanganj.

.... Petitioners

Versus

1. The State of Bihar through Secretary Food & Civil Supply Department , Government of Bihar, Patna.
2. The District Magistrate, Kishanganj.
3. The Sub-Divisional Officer, Kishanganj.
4. The Block Supply officer, Bahadurganj, Kishanganj.

.... Respondents

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Appearance :

For the Petitioners : Mr. Diwakar Sinha

For the Respondents : Mr. R.R. K PANDEY

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2018

The present writ petition has been filed for quashing the order contained in memo no. 138 Anu Aa dated 31.01.2012 passed by the Sub-Divisional Officer, Kishanganj (respondent no. 3) cancelling the petitioner's/Public Distribution System dealerships license no. 85B/2007 & 87B/2007 respectively.

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

3. Learned counsel for the petitioners fairly accepts that



remedy by way of appeal is available.

4. In the above circumstances, the writ petition stands disposed of with liberty to the petitioners 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 petitioners while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

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