

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7713 of 2015

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Tulsi Mahto son of late Narayan Mahto, resident of Village- Nandanpura,
Panchayat Purvi Saren, P.S.& Block- Makhdumpur, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through Secretary cum Commissioner, Food and Consumer Protection Department, Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Jehanabad.
4. The Sub-Divisional Officer cum Licensing Authority, Jehanabad.
5. The District Supply Officer, Jehanabad.
6. The Assistant District Supply Officer, Jehanabad.
7. The Block Supply Officer, Jehanabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Indradeo Prasad
Mr. Subodh Kumar, Advocates.

For the Respondents : Mr. Sandeep Kumar, GA-8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for setting aside
the order dated 28.02.2014 passed by the Licensing Authority cum
Sub-Divisional Officer, Jehanabad in Case No. 45 of 2013; also for
setting aside the order dated 07.02.2015 passed by the District
Magistrate, Jehanabad in Supply Appeal Case No. 15/DM/2014 (*Tulsi
Mahto Vs. The State of Bihar*).

3. 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 07.02.2015 passed in



Supply Appeal Case No. 15/DM/2014, 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 a revision petition before the Divisional Commissioner for redressal of his grievances.

5. 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.08.2018
Transmission Date	N.A.

