

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17741 of 2015

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Bhola Ray, Son of Late Vishnudeo Ray, Resident of village and Post - Rewdha,
P.S. Jale, District – Darbhanga

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector and District Magistrate, Darbhanga, District Darbhanga
3. The Sub-Divisional Officer, Sadar Darbhanga, District Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG 5

Mr. Md. Kamil Akhtar, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

The present writ petition has been filed for the following

reliefs –

“(A) Certiorari for quashing and setting aside the order dated 16/9/2013 passed by the Sub-Divisional Officer, Sadar, Darbhanga and issued the same vide Memo No. 21 dated 21/10/2013 contained in Annexure-1 whereby and whereunder licence of the petitioner’s Fair Price Shop bearing No. 2/2000 has been cancelled automatically due to non renewal of licence and rejected application of the petitioner for renewal of licence and quashing and setting side the order dated 10/7/2015 passed by the learned Collector and District Magistrate, Darbhanga in P.D.S. Case No. – 188/2013



contained in Annexure-4 whereby and whereunder appeal filed by the petitioner against the cancellation order has been rejected and further to restore the petitioner's licence as before and to make allotment for the petitioner's shop

(B) A mandamus commanding the Respondents to restore the petitioner's licence as before and to make allotment for the petitioner's shop.

(C) Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.

2. 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 appellate order dated 10.07.2015 passed in P.D.S Case No. 188/2013, which has not been availed of by the petitioner.

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

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)

B.T/Chandran

AFR/NAFR	NAFR
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