

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5710 of 2018

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Tuleshwer Yadav, son of Deolal Yadav, Resident of village Kazi Chak, Village Panchayat Mocharim, Police Station Bodh Gaya, District Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Bodh Gaya, District Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. S. Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

The present writ petition has been filed for quashing the order dated 11.09.2017 contained in memo no. 775 passed by which learned Sub-Divisional Officer, Sadar Gaya has cancelled the Licence No. 01/2014 of the petitioner for carrying on business under the Public Distribution System as a P.D.S. dealer and for direction upon the respondent No. 3 to continue allocation to PDS shop of the petitioner.

2. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate, Gaya is available to the petitioner against the impugned order dated 11.09.2017, which has not been availed of by the petitioner.

3. 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 an appeal before the District Magistrate, Gaya for redressal of his grievances.

4. 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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