

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5877 of 2018

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Shyam Sundar Mahtha, S/o Late Siyaram Mahtha, R/o Gang Bazar, P.S.
Manigachi, District-Dharbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Darbhanga, Bihar,
2. The Collector, Darbhanga.
3. The Sub-Divisional Officer, Sadar, Darbhanga.
4. The Block Supply Officer, Manigachi, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nikhil Kumar Agrawal, Advocate

For the Respondents : Mr. Maruth Nath Ray, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

The present writ petition has been filed for the following
reliefs –

“(i) To issue an appropriate writ/order/direction in the nature of Certiorari setting aside the order dated 01.07.2017 passed by the S.D.O, Darbhanga as contained in Memo No. 877 dated 03.07.2017 (Anx-14) whereby and whereunder the license of the Petitioner has been cancelled by the Respondent No. 3;

(ii) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondents to restore the license no. 06/07 of the Petitioner and to ensure proper supply of goods for distribution to the consumers;

(iii) To any other relief or reliefs for which the Petitioner is found to be entitled in the facts and



circumstances of the case.

2. At the very outset, this Court takes note that remedy by way of appeal before the Collector, Darbhanga is available to the petitioner against the impugned order dated 01.07.2017 passed by the Sub-Divisional Officer, Darbhanga, 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 Collector, Darbhanga 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
CAV DATE	NA
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