

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9309 of 2017

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Rama Devi @ Masomat Rama Devi Wife of Late Surendra Paswan Resident of
Village - JayanTtri Gram BishAua, P.S. - Teghra, District - Begusarai.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate.
For the Respondents : Mr. Sanjay Kr.Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-05-2018

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

“(i) A Certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Begusarai vide memo No. 126 dated 01.03.2017 whereby and whereunder it has been stated that licence of the petitioner’s fair price shop has been terminated itself contained in Annexure -1.

(ii) A mandamus commanding the respondents to restore the petitionenr’s licence as before and to make allotment for the petitioner’s shop.

(iii) Any other relief or relifs 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 the
petitioner has alternative statutory remedy against the order of



cancellation by way of appeal before the District Magistrate, which has not been availed of by the petitioner.

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

4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner 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 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	21.05.2018
Transmission Date	N.A.

