

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7240 of 2015

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Navin Kumar, Son of Late Ramdas Prasad, Resident of Silao (Old Station), P.S.
Silao, District Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Nalanda.
4. The Sub Divisional Officer, Rajgir, District Nalanda.
5. The Block Supply Officer, Rajgir, District Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rohit Mishra, Advocate

For the Respondents : Mr. Balram Kapri, AC to GP 14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-08-2018

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

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

“(i) For issuance of a writ of certiorari for setting aside the order dated 16.03.2011 passed by the respondent no. 4 (the S.D.O. Rajgir, Nalanda) contained in Memo No. 896, whereby the respondent no. 4 has cancelled the Public Distribution System (PDS) Licence of the petitioner bearing Licence No. 94/2007.

(ii) For issuance of a writ of mandamus commanding and directing the respondent authorities to reinstate the said P.D.S. licence of the petitioner being Licence No. 94/2007 and further to provide adequate supply to the petitioner required to be supplied to him as per License No. 94/2007.



(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions, for which the petitioner shall be found entitled under the facts and circumstances of the case stated hereinafter.”

3. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate is available to the petitioner against the order dated 16.03.2011 passed by the Sub-Divisional Officer (respondent no. 4), which has not been availed of by the petitioner.

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

5. 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 an appeal before the District Magistrate for redressal of his grievances.

6. 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/-

AFR/NAFR	NAFR
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