

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16072 of 2014

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Mithilesh Kumar S/o- Late Bankey Singh, R/o- Karadih, Gram Panchayat-
Nalanda, P.S.- Silao, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Deptt. of Food and Civil Supply,
Government of Bihar, Patna
2. The District Magistrate, Nalanda
3. The Sub-Divisional Officer, Rajgir, Nalanda
4. The Supply Inspector, Silao, District- Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Raghwanand, Advocate.

For the Respondents : Mr. Abbas Haider, SC-16

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-07-2018

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) To issue a writ in the nature of certiorari to quash and
cancel the Memo No. 02 dated 30.11.2013 (Annexure-4
hereof) issued under authority of Sub-Divisional Officer,
Rajgir whereby and whereunder the licence of shop of Public
Distribution System of petitioner bearing no. 88/07 has been
cancelled; as also to quash and cancel the order dated
26.07.2014 passed in Appeal No. 01/14 passed by learned
District Magistrate, Nalanda by which the appeal against
the Memo No. 02 dated 30.11.2013 passed by learned S.D.O.*



Rajgir has been dismissed and order cancelling the licence of petitioner has been affirmed.

(ii) To issue a writ in the nature of Mandamus to direct the respondents to reinstate the PDS licence No. 88/07 of the petitioner and felicitate him to carry out the business of the PDS shop as it was going on prior to cancellation of licence.

(iii) To hold and declare that both the aforesaid impugned orders passed by the learned D.M., Nalanda and learned S.D.O., Rajgir are bad in law and those orders are not sustainable in the eye of law.

(iv) To restrain the respondent to not harass the petitioner on the basis of such reasons and cause which has not any substantial base and foundation and contrary to law.

(C) To grant any other reliefs for which petitioner is entitled to have."

3. 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 impugned order dated 26.07.2014 passed in Appeal No. 01/14, which has not been availed of by the petitioner.

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 dismissed 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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