

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6934 of 2015

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Ram Vilash Sah, Son of Sri Tapeswar Sah, resident of village- Mangiya,
Panchayat - Mekna Wetha, Block- Bahadurpur, P.S.- Bahadurpur, District-
Darbhanga.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Shambhu Nath Jha, Advocate

For the Respondents : Mr. Arun Kumar Prasad, AC to SC7

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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 –

*“(A) To issue writ of mandamus or any other
appropriate writ/order/direction to set aside the
order dated 28.12.2012 passed in Public Distribution
System Case No. 101/2009-10 by the District
Magistrate, Darbhanga, whereby and where under the
appeal filed by the petitioner has been dismissed and
order dated 04.02.2010 (contained under Memo No.
251 dated 04.02.2010) passed by the Sub-Divisional
officer, Sadar Darbhanga has been confirmed, by
which the learned Sub-Divisional Magistrate, Sadar*



Darbhanga cancelled the License of Public Distribution Shop situated at Mekna Weda Gram Panchayat, Bahadurpur Block, District-Darbhanga bearing License No. 74/1988 illegally without following due process.

(B) To issue writ of mandamus or any other appropriate writ/order/direction directing the respondents to restore the License of the petitioner bearing License No. 74/1988 for Public Distribution System shop situated at Mekna Weda Gram Panchayat, Bahadurpur Block, District – Darbhanga .

(C) To grant other relief/reliefs for which the petitioner is entitled to.”

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 28.12.2012 passed in Public Distribution System Case No. 101/2009-10 by the District Magistrate, Darbhanga, which has not been availed of by the petitioner.

4. Learned counsel for the petitioner fairly accepts that remedy by way of revision 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 a revision petition before the Divisional Commissioner for redressal of his grievances.



6. 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)

B.T/Chandran

AFR/NAFR	NAFR
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