

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13281 of 2014

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1. Most.Usha Devi, wife of late Gulab Singh
2. Raj Kumar, son of late Gulab Singh
Both resident of Village - Pathar Katti, P.S. - Nimchak Bathani, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply, Patna.
2. The District Magistrate-cum-Appellate Authority, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub Divisional Officer, Nimchak Bathani (Khizarsarai), District - Gaya.
5. The District Manager State Food Corporation, District - Gaya.
6. The Assistant Godown Manager, State Food Corporation, Atari, District - Gaya.
7. The Block Supply Officer, Khizarsarai, District - Gaya.
8. The Block Supply Officer, Nimchak Bathani, District - Gaya.
9. The Block Supply Officer, Atari, District - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv

For the Respondent/s : Mr. GA3- VINAY KIRTI SINGH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-08-2018

I.A. No. 6022 of 2018

This interlocutory application has been filed for substitution of the legal heirs of the sole petitioner, who died on 19.06.2015, during the pendency of the writ petition.

2. Learned counsel for the respondents appears and has no objection to such prayer.



3. Having regard to the nature of the prayer, let the name of the petitioner be substituted with the names of his legal heirs, namely, Most. Usha Devi, wife and Sri Raj Kumar, son in the array of the petitioners as described in paragraph-3 of the I.A. The interlocutory application stands disposed of.

4. Learned counsel for the petitioners is permitted to make necessary corrections in the array of the petitioners in course of the day.

CWJC No. 13281 of 2014

5. The main writ petition has been filed against the order dated 03.06.2014 passed by the learned District Magistrate-cum-Appellate Authority, Gaya in Supply Case No.35/2013 affirming the order dated 06.08.2013 passed by the Sub-Divisional Officer-cum-Licensing Authority, Nimchak Bathani (Khizar Sarai), Gaya whereby and whereunder the petitioner's P.D.S. Licence bearing No. 12/2008/71/85 has been cancelled; and for connected reliefs.

6. At the very outset this Court takes note that the petitioners have alternate statutory remedy against the order of cancellation by way of revision before the Commissioner, which has not been availed of by the petitioners.

7. Learned counsel fro the petitioners fairly accepts that remedy



by way of revision is available.

8. In the above circumstances, the writ petition is disposed of with liberty to the petitioners to file appropriate statutory revision against the appellate order dated 03.06.2014.

9. It is made clear that in case such a revision is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioners while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/Md. Ibrarul

AFR/NAFR	NAFR
CAV DATE	NA
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