

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5982 of 2018

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Ganauri Manjhi Son of Heto Manjhi, Resident of Village-Ramkishn Bigha,
Village Panchayat-Jamuawan, Police Station-Wazirganj, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, District-Gaya.
4. The District Supply Officer, Gaya.
5. The Block Supply Officer, Wazirganj, Dist.-Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Maruth Nath Ray, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

The present writ petition has been filed for quashing the order dated 09.11.2017 contained in memo no. 752 passed by the Sub-Divisional Officer-cum Licensing Officer, Sadar Gaya, whereby the licence No. 48/07 of the petitioner granted under Public Distribution System (Control) Order, 2001 and now under the Bihar Targeted Public Distribution System (Control) Order, 2016 has been cancelled; and for further direction upon the respondent no. 3 to continue allocation to the PDS shop of the petitioner.

2. At the very outset, this Court takes note that remedy by way of appeal before the District Magistrate, Gaya is available to the petitioner against the impugned order dated 09.11.2017 contained in memo no. 752 passed by the Sub-Divisional Officer-cum Licensing



Officer, Sadar Gaya, which has not been availed of by the petitioner.

3. 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 an appeal before the District Magistrate, Gaya (respondent no. 2) for redressal of his grievances.

4. 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/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.04.2018
Transmission Date	N.A.

