

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9442 of 2015

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Abhay Kumar Son of Late Raghunath Prasad Resident of village- Ghat Kinara
Road Mahnar, Ward No. 08, P.O. + P.S.- Mahnar, District- Vaishali (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Old Secretariat Patna.
2. The Collector-cum-District Magistrate Vaishali (Hajipur) District- Vaishali.
3. The District Supply Officer, Vaishali.
4. The Sub -Divisional Officer, Mahnar, Vaishali.
5. The Block Supply Officer Mahnar, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Patel, Adv

For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG X

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

The present writ petition has been filed against the order dated 31.03.2015 bearing Memo No. 1056 passed by the Sub-Divisional Officer, Mahnar, District Vaishali (respondent no. 4) whereby and whereunder the petitioner's P.D.S. Licence has been cancelled; and for connected reliefs.

2. At the very outset this Court takes note that the petitioner has alternate statutory remedy against the order of cancellation by way of appeal before the Collector, which has not been availed of by the petitioner.

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



4. In the above circumstances, the writ petition stands disposed of with liberty to the petitioner to file appropriate statutory appeal against the impugned order of cancellation.

5. 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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