

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16863 of 2015

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Birendra Prasad Yadav & Birendra Prasad, son of Nagina Prasad, resident of village Banshghat Mansuriya, P.S. Baikunthpur, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj
3. The Sub Divisional Officer, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv

For the Respondent/s : Mrs. KUMARI AMRITA, GP 10

For the BSFC : Mr. Shailendra Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

As prayed, learned counsel for the petitioner is permitted to make necessary correction in the array of parties in respect of respondent nos. 2 and 3 in the cause title in course of the day.

2. The present writ petition has been filed for quashing the order dated 22.09.2014 passed by the Sub Divisional Officer, Gopalganj as also the appellate order 30.04.2015 passed by the Collector-cum-District Magistrate, Gopalganj in PDS Appeal No. 13 of 2014 whereby the PDS dealership of the petitioner, bearing Licence No. 10/07 has been cancelled.

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 passed in Supply Appeal No. in PDS Appeal No. 13 of 2014 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)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
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