

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17762 of 2016

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Ghanshyam Paswan, Son of Sri Mahendra Paswan, Resident of Village- Arwa,
P.O. & P.S.- Bachwara, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Begusarai, District- Begusarai.
3. The Sub-Divisional Officer, Teghra, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Rajeev Kumar Labh, Advocate
For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

The present writ petition has been filed for the following
reliefs—

“(A) A certiorari for quashing and setting aside the order passed by the Sub-Divisional Officer, Teghra vide Memo No. 164 dated 2/8/2016 contained in Annexure-1 whereby and whereunder licence of the petitioner’s Fair Price Shop bearing No. 01/95 has been cancelled;

(B) A mandamus commanding the Respondents to restore the petitioner’s licence as before and to make allotment for the petitioner’s shop

(C) Any other relief or reliefs for which petitioner may be found entitled in the fact and circumstances of the present case may be granted to him.”

2. At the very outset, this Court takes note that remedy
by way of appeal before the District Magistrate, Begusarai is available



to the petitioner against the impugned order dated 02.08.2016 passed by the Sub-Divisional Officer, Teghra, 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, Begusarai 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.
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