

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5110 of 2015

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Md. Safir Alam, P.D.S Dealer, Son of Md. Sagir Alam, resident of village - Sakunat
Kala, P.S.- Bihar Sharif, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Sub-Divisional Officer, Bihar Sharif, Nalanda.
5. The District Supply Officer, Bihar Sharif, Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate

For the Respondents : Mr. Syed Iqbal Ahmad, SC 20

Mr. Md. Zeeshan Kalim, AC to Sc 20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

*“(i) To issue a writ in the nature of certiorari to quash
and cancel the order dated 28/11/2014 (Annexure-8)
passed in Supply Case No. 05/11 passed by Learned
District Magistrate, Nalanda by which the appeal
against the order dated 13-06-2011 passed by Learned
Sub-Divisional Officer, Nalanda as contained in Memo
No. 821 dated 13.06.2011 has been rejected and this*



order of Learned S.D.O. has been upheld & affirmed; as also to quash the said order dt. 13.06.2011 (Annexure-5) passed by Learned S.D.O.

(ii) To issue a writ in the nature of mandamus to direct the respondents to restore the licence of P.D.S. shop of petitioner and revive the business of P.D.S shop as it was performing its business prior to cancellation of licence by the Learned S.D.O.

(iii) To restrain the respondents from harassing the petitioner who has not at all committed any illegal Act.

(iv) To grant any other reliefs to the petitioner for which he is entitled to have.”

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 dated 28.11.2014 passed in Supply Case No. 05/11, which has not been availed of by the petitioner.

4. Learned counsel for the petitioner fairly accepts that remedy by way of revision is available

5. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands disposed of with liberty to the petitioner to file a revision petition before the Divisional Commissioner for redressal of his grievances.

6. 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)

B.T/Chandran

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