

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18008 of 2017

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Brahamdeo Das, S/o late Sanichar Das, resident of Village - Rajendra Nagar,
Baisa, P.S. - Parbatta, District - Khagaria.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The District Supply Officer, Khagaria.
4. The Sub-Divisional Officer, Gogari, District - Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-04-2018

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

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

“(i) For issuance of any appropriate writ or writs, rule or direction especially in the nature of certiorari quashing the memo no. 1833 dated 31.10.2016 issued under the signature of Sub-Divisional Officer, Gogari (Respondent No. 4) whereby and whereunder PDS License No. 41P/2007 of the petitioner has been cancelled without considering the factums and genesis of the case as well as for quashing the order dated 19.09.2017 passed in Supply Appeal Case No. 02/2016-17 passed by the learned Collector-cum-District Magistrate, Khagaria whereby and whereunder the



appeal filed by the petitioner has been dismissed by affirming the order passed by the Sub-divisional Magistrate, Gogri in memo no. 1833 dated 31.10.2016.

(ii) For issuance of any appropriate writ or writs, rule or directions as your lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioner may be found entitled thereto."

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 19.09.2017 passed in Supply Appeal Case No. 02/2016-17, 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, Munger for redressal of his grievances. In case the petitioner files a revision petition before the Divisional Commissioner, Munger within a period of two weeks from today, the same shall be considered and disposed of in accordance with law, expeditiously, and preferably within a period of three months thereafter.

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)

B.T/Chandran

AFR/NAFR	NAFR
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