

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.446 of 2018

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Pramod Das, Son of Sh. Kishun Das, Resident of Village & Post- Malpa,
Panchayat- Dhutauli, Police Station- Chautham, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer, District- Khagaria.
5. The Assistant District Supply Officer, Khagaria.
6. The Block Supply Officer, Chautham, District- Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2018

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) For issuance of writ in the nature of certiorari
quashing the order contained in Memo No. 429/ /दन
/चनतजप, dated 11.12.2017 whereby and whereunder the
Sub-Divisional Officer, Khagaria has cancelled the license
of the fair price shop of the petitioner (Annexure-4).*

*(II) For directing the licensing authority to restore the
P.D.S. License No. 06 C/2007 in the name of the petitioner;
and further be issued his unite continuing allotment to the
said fair price shop for distribution among the respective
consumers.”*



3. At the very outset, learned counsel for the petitioner fairly accepts that remedy by way of statutory appeal before the District Magistrate is available to the petitioner against the impugned order, 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 an appeal before the District Magistrate for redressal of his grievances. If any such appeal is filed before the District Magistrate within a period of three weeks from today, the same shall be disposed of expeditiously and preferably within 60 days of filing the appeal.

5. It is made clear that in case such an appeal 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)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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