

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1773 of 2019

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Vishun Dev Dhangar @ Bishundeo Dhangarm aged about 65 years (male),
son of Nand Kumar Dhangar, resident of Village- Baligadh, Panchayat-
Devnabujurg, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate, Sitamarhi, District- Sitamarhi.
3. The District Supply Officer, Sitamarhi, District- Sitamarhi.
4. The Sub Divisional Officer Cum Licensing Authority, Sitamarhi Sadar, District- Sitamarhi.
5. The Block Supply Officer, Block- Runnisaidpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Chandra
For the Respondent/s	:	Mr. Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-02-2019 Petitioner has moved this Court challenging the order, as contained in memo no.871 dated 04.12.2018, as contained in Annexure-4 to the writ application, passed by the Sub-Divisional Officer, Sitamarhi Sadar.

Learned counsel for the petitioner submits that the impugned order has been passed without considering the submissions of the petitioner and, therefore, it is fit to be quashed.

On the other hand, learned counsel representing the State submits that the petitioner has got an alternative statutory remedy of appeal before the Collector-cum-District Magistrate, Sitamarhi. Instead of filing an appeal, the petitioner has directly



approached this Court against the impugned order.

Taking note of the aforementioned submissions, this Court finds that the learned counsel for the petitioner is unable to demonstrate as to why a writ application under Article 226 of the Constitution of India may be entertained if the petitioner has not filed any appeal before the statutory authority. This Court is of the opinion that it is not one of those cases in which the Court may entertain the writ application despite there being an alternative statutory remedy of appeal.

This Court is not willing to entertain this writ application. This would, however, be not taken as any opinion on the merit of the case of the petitioner. If the petitioner prefers an appeal before the statutory authority within a period of 30 days from today, the same shall be considered and disposed off by the statutory authority within a period of 60 days from the date of filing of the appeal.

With the aforesaid observations and directions, this writ application is disposed off.

(Rajeev Ranjan Prasad, J)

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