

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9677 of 2019

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Md. Sanaullah, aged about 27 years, male, S/o Md. Habibullah R/o Ward No. 5, Village-Andauli, P.S. Kishanpur, District-Supaul

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Bihar, Patna
2. The District Magistrate, Supaul
3. The District Supply Officer, Supaul
4. The Sub-Divisional Officer, Supaul
5. The Block Supply Officer cum Block Development Officer Kishanpur Prakhand, District-Supaul

... .. Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate.

For the Respondents : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 11-06-2019

This matter has been heard and is being taken up for final disposal at the admission stage itself with the consent of parties.

2. The present writ petition has been filed for the following relief as formulated by the petitioner -

“(i) For quashing of an office order vide Memo No. 414-2 dated 25.03.2019 issued with the signature of the learned Sub-Divisional Officer, Supaul (respondent no. 4) contained in Annexure-3 to this application, whereby and whereunder the license no. 02/2018 issued under Para No. 10 of Bihar Targetted Public Distribution System (Control) Order 2016 for running public distribution shop at village- Andauli granted in favour of this petitioner on compassionate ground after death of his father has been cancelled merely on the ground that his two of the full borther’s were working on the post of govt. Teacher.



(ii) For a direction to the respondents to restore the license No. 02/2018 earlier granted in favour of this petitioner for running public distribution shop.

(iii) for a direction to the respondent's for keeping the impugned order dated 25.03.2019 in abeyance during pendency of instant writ application.

(iv) for any other relief or reliefs, the petitioner is entitled for."

3. At the very outset, learned counsel for the petitioner fairly accepts that remedy by way of statutory appeal before the Collector 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 Collector for redressal of his grievances. If any such appeal is filed before the Collector within a period of four weeks from today, the same shall be disposed of expeditiously and preferably within a period of three months of filing the appeal.

5. 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)

Ibrar/BT

AFR/NAFR	NAFR
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