

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8565 of 2020

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Nirmala Devi, Female, aged about 52 years, Wife of Arjun Ram, Resident of
Village- Chamtha-03, Block- Bachhawara, P.S.- Bachhawara, District-
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Food and
Consumer Protection, Government of Bihar, Patna.
2. The Collector, Begusarai.
3. The Sub-Divisional Officer, Teghra.
4. The Additional Sub- Divisional Officer, Teghra.
5. The District Supply Officer, Begusarai.
6. The Block Supply Officer, Bachhawara, Begusarai.
7. The Block Supply Inspector, Bachhawara, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate
For the State : Mr. Upendra Pratap Singh, AC to SC 4

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Prem Prakash Poddar, learned counsel for
the petitioner and Mr. Upendra Pratap Singh, learned AC to SC 4,
for the State.



3. The petitioner has moved the Court for the following relief:

“That this application is being filed on behalf of the petitioner above named for setting aside the order contained in Memo No. 323/AA dated 01.06.2020 by which the P.D.S. License of the petitioner being License No.- BACH-21/2016 has been cancelled by the Learned Sub-Divisional Officer, Teghra and further be pleased to restore the license and supply of the petitioner.”

4. At the outset, learned counsel for the State pointed out that the petitioner has statutory remedy of appeal before the Collector, Begusarai which she has not availed and straightaway has come to the High Court.

5. Having considered the matter, the Court finds that when the statute provides for a forum and the right has also accrued under the said statute, the parties are required to move before the statutory appellate forum rather than straightaway burdening the Court.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the Collector, Begusarai, in appeal against the order impugned in the present writ application.

7. If such an appeal is filed within three weeks from today before the Collector, Begusarai (respondent no. 2), the same shall be considered and disposed off on its own merits, in



accordance with law, by passing a reasoned order within six weeks
from the date of filing such appeal.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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