

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7513 of 2019

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Md. Mahmud Alam Son of Yakub @ Sheikh Yakub Resident of Village-
Hasai, P.S.- Dhankund, district- Banka.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Principal Secretary Department of Food and Civil Supply, Government of Bihar, Patna.
3. The District Magistrate Banka.
4. The District Supply Officer Banka
5. The Sub- Divisional Officer Banka, District- Banka.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate
Mr. VK Mukul, Advocate

For the State : Mr. S Raza Ahmad, AAG 3

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-02-2021 The writ petition has been filed for following reliefs:-

(I) A certiorari setting aside the order dated 01.02.2019 (Annexure-6) passed in Misc. Appeal No. 129/2016-17 by the Respondent District Magistrate, Banka, whereby and whereunder, he has affirmed the order containing in memo no. 31 dated 14.01.2017 passed by the Respondent Sub-Divisional Officer, Banka.

(II) A certiorari setting aside the order containing in Memo No. 31 dated 14.01.2017 (Annexure-5) passed by the Respondent Sub-Divisional Officer, Banka, whereby and whereunder the license granted to the petitioner to



run Public Distribution System shop under Gram Panchayat Kathwan Gaon, Block-Dhoraiya, District – Banka has been cancelled.

(III) A Mandamus, commanding and directing the respondents concerned to restore the P.D.S. license of the petitioner and to allow him to work without any hindrance.

At the outset, counsel for the respondents submits that the present writ application is not maintainable, as the petitioner has approached this Court without exhausting the statutory remedy of revision before the Divisional Commissioner.

Heard learned counsel for the parties.

In view of efficacious statutory remedy of revision, being available to the petitioner under Sub-Rule (6) of Rule 32 of the Bihar Targeted Public Distribution System (Control) Order, 2016 for redressal of his grievances, I am not inclined to interfere with the impugned order under the writ jurisdiction.

In the facts and circumstances of the case, the writ petition is disposed of granting liberty to the petitioner to move before the appropriate authority raising all the issues raised in the writ petition.

It is made clear that if such petition is filed within a period of four weeks from today, the same shall be dealt with in



accordance with law after hearing all the parties as early as possible within a period of ninety days from the date of receipt/production of copy of the revision application. It is made clear that this Court has not gone into the merit of the case.

Writ petition stands disposed of with the aforesaid direction.

(Prabhat Kumar Singh, J.)

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