

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10037 of 2017

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Smt. Ranju Devi @ Ranju Devi, wife of Shri Binod Kumar Paswan, resident of
Village- Kuanpokhar, Majra, P.S.- Sikti, P.O.- Sikti, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Araria.
2. The Collector, Araria.
3. The Sub-Divisional Officer cum Licensing Authority, Araria.
4. The Block Development Officer, Sikti, Araria.
5. Block Supply Officer, Sikti, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Adv. Mr. Sanjay Kumar Sharma, Adv. Mr. Kashyap Kaushal, Adv.
For the State	:	Mr. Arvind Ujjwal, SC-4 Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-08-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is challenging the order dated
8.9.2016 passed by the Sub-Divisional Officer, Araria cum Licensing
Authority which has been affirmed by the appellate authority in
Appeal Case No. 14 of 2016-17.

The petitioner is running a P.D.S. shop having valid
license no. 495 of 2007. On a complaint of the card holder, an enquiry
was conducted by the Block Development Officer, Sikti on 11.8.2016
and found seven irregularities in running the P.D.S. shop. Again it



appears that the B.D.O., Sikti, Araria on 16.8.2016 also submitted its report dated 16.8.2016 with regard to manner and mode of running the P.D.S. shop by the petitioner. The petitioner has filed his explanation.

Learned counsel for the petitioner submits that he was given the first enquiry report dated 12.8.2016 and the second enquiry report dated 16.8.2016 of the B.D.O., Sikti, whereafter, again the third enquiry was conducted by the said B.D.O., Sikti and submitted his report vide letter no. 1623 dated 24.8.2016 which was never given to the petitioner.

Thus, altogether three times the enquiry was conducted. The petitioner has no grievance with regard to reports submitted for two enquiries as having been claimed were served upon them but, he has confined his grievance with respect to third enquiry report was not given to him which was/is the basis for taking a decision by the S.D.O., Araria. The petitioner further submits that in the Memo of Appeal, he has specifically taken this point but, the appellate authority has not dealt with this issue and relied upon the third report rejected his appeal. He has further submitted that if the authority wanted to place reliance on that report, it was incumbent upon him to serve the copy of the same and got explanation for the person concerned.

Learned counsel for the State has tried to justify the action of the authority submitting that this order cannot be said to be



illegal in any manner but, the question is that when both the authorities have placed reliance on the third report of B.D.O., Sikti, which is the basis for passing the impugned order, then the prudence lies that he must be given such report.

In that view of the matter, let the order dated 7.2.2017 passed by the Collector, Araria and order dated 8.9.2016 passed by the the S.D.O., Araria are set aside and the matter is remanded back to the S.D.O., Araria, the original authority, who will be obliged to handover the report vide letter no. 1623 dated 24.8.2016 of the B.D.O., Sikti to the petitioner and if the petitioner, so advised, files additional explanation and the S.D.O. Araria, after giving due hearing to the petitioner, will pass a reasoned order in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2017
Transmission Date	NA

