

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2920 of 2017

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Md. Badrudoza Ansari, S/o Late Muzaffar Hussain, resident of village - Kamalchak
Mustafapur, Panchayat - Purainitola, Sonuchak, Block - Jagdishpur, District -
Bhagalpur

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary - Cum - Commissioner,
Department of Food and Consumer Protection, Government of Bihar, Patna
2. The District Magistrate - Cum - Collector, Bhagalpur
3. The Sub Divisional officer, Bhagalpur
4. The In charge Assistant District Supply Officer, Bhagalpur
5. The Block Supply officer, Jagdishpur, Distt. - Bhagalpur
6. The Block Development officer, Jagdishpur, Distt. - Bhagalpur

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
Mr. Mohit Agarwal, Adv.
Ms. Aishwariya Riti, Adv.
Mr. Atal Bihari Pandey, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, A.C. to S.C.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-04-2017

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

In this case, the petitioner is challenging the order
dated 30.01.2017 issued vide Memo No.52 dated 06.02.2017 by the
Sub Divisional Officer, Bhagalpur, whereby and whereunder he has
cancelled the P.D.S. licence of the petitioner without considering
the objection of the petitioner.



Learned counsel for the State has tried his best to justify the order of the Sub-Divisional Officer, but on perusal of the same it appears that the Sub-Divisional Officer has not applied his judicial mind as he has not dealt with the objection raised by the petitioner. The Sub Divisional Officer is discharging the *quasi judicial* function, so his order must be supported by reasons.

In such view of the matter, the order dated 30.01.2017 issued vide Memo No.52 dated 06.02.2017 by the Sub Divisional Officer, Bhagalpur is hereby quashed. The matter is remanded back to the Sub Divisional Officer, Bhagalpur to pass a reasoned order after hearing the petitioner and considering the objection raised by the petitioner. The petitioner, if so like, may file additional objection.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	27.04.2017
Transmission Date	N/A.

