

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8146 of 2017

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1. Shambhu Sharan Singh, S/o Late Ramchandra Singh, Resident of Village- Sinha, Panchayat- Sinha, Block- Barhara, District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Bhojpur at Ara.
3. The Sub-Divisional Officer, Sadar, Ara.
4. The Block Supply Officer, Barhara, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad

For the Respondent/s : Mr. Sanjay Kr. Giri- GP9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioner and learned counsel for the State.

It is very unfortunate that the Collector, Ara before whom the appeal was filed vide Appeal No.5 of 2016 but instead of deciding himself he referred the matter to Sub Divisional Officer, Sadar Ara who has passed the order with respect to cancellation of licence.

A proceeding was initiated by the Sub Divisional Officer and he passed the order dated 20.4.2017 by which he has cancelled the licence of the petitioner. Against that order appeal was filed before the Collector and the Collector should have decided the case but instead of deciding the case he has



referred the matter to the Sub Divisional Officer. It is not permissible in law.

Accordingly order dated 13.1.2017 passed by the Collector, Ara in Appeal No.5 of 2016 is set aside as Collector cannot delegate his judicial function to any of the authority as it is not permissible in law. The Collector is directed to dispose of the appeal within a period of one month from the date of receipt of a copy of this order.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

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