

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8551 of 2017

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Phul Kumari Devi, W/o Shiv Shankar Prasad, resident of Village- Baruna, P.S. and Anchal- Baruna, Dist- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. Dy. Development Commissioner-cum-Chief Executive Officer, Buxar.
3. District Magistrate, Buxar.
4. The Block Development Officer, Buxar.
5. The Block Supply Officer, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mira Kumari

For the Respondent/s : Mr. S. Raza Ahmad- AAG5

Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-10-2017

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

In this case, the petitioner is challenging the order dated 24.3.2017 passed by the Collector, Buxar in Case No. 58/2015 (Supply), whereby and whereunder, the Collector, Buxar has affirmed the order dated 16.4.2015 passed by the S.D.O., Buxar.

It appears from the show-cause notice issued by the S.D.O., Buxar dated 23.3.2015, the S.D.O. himself has gone to the shop of the petitioner for inspection which was allegedly found closed, when a demand was made for production of the cash-memo, the same was produced but, it was not filled up properly. The petitioner filed objection stating that due to illness, she could not fill up the register properly, led to cancellation of the license. The petitioner filed an appeal vide Case No.



58/2015 (Supply), wherein she has taken several grounds which the Collector himself has recorded in the order but, while passing the order, he has not dealt with even a single point which the petitioner has raised before him.

It is expected from the appellate authority that while passing the order on merit, one way or the other, the authority must deal with the points and, only then, he could have passed the order. In the present case, the order passed by the Collector, Buxar reflects that none of the points, raised by the petitioner, has been considered while passing the order.

In that view of the matter, the order dated 24.03.2017 passed in Case No. 58/2015 (Supply) is set aside and the matter is remitted back to the Collector, Buxar who will pass a fresh reasoned order in accordance with law dealing with the objections raised by the petitioner.

This Court has not given any opinion on the merit of the case of present case.

In the result, this application stands allowed to the aforementioned extent.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	NA

