

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10249 of 2017

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Ram Narayan Singh, S/o Late Nanhak Singh, Resident of Village- Boksa,
P.S.+Block- Buxar, Dist- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar.
2. The District Magistrate, Buxar.
3. The Sub-Divisional Officer, Buxar.
4. The Assistant District Supply Officer, Buxar.
5. The Block Supply Officer, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Respondent/s : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-09-2017

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 24.3.2017 passed by the appellate authority in Appeal No. 26/2015, whereby and whereunder, the Collector, Buxar, has affirmed the order of the S.D.O., Buxar, who has cancelled the license of the petitioner on account of certain irregularities committed by the petitioner in running the P.D.S. shop which has been recorded by the Collector, Buxar in the order wherein the allegation and the reply has been quoted but, the Collector, Buxar, while passing the order, has not recorded his own finding on merit of the case. The appeal is a continuation of the trial and the appellate authority is obliged to deal with the case on fact



as well as in law. When the appeal is filed, it is expected from the appellate authority that he must given his own independent decision on the merit of the case but, the order, which is impugned in this proceeding, does not reflect that the Collector, Buxar, has given his own findings on merit.

Accordingly, the order dated 24.3.2017 passed by the Collector, Buxar, is set aside and the matter is remanded back to the Collector, Buxar, who will pass a fresh order in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

In the result, this writ application stands allowed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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