

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10414 of 2017

=====

Shyam Bihari Paswan, son of Kharu Paswan, resident of village- Khempur, P.S. Kadwa, District - Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate, District - Katihar.
3. The Sub-Divisional Officer, Barsoi, Katihar.
4. The Block Supply Officer, Kadwa, District - Katihar.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.
Mr. Birendra Kumar, Adv.
Mrs. Maruti Kumari, Adv.

For the Respondent/s : Mr. Santosh Kumar Mishra, A.C. to G.P.-9

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 01-09-2017

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

The petitioner is running a P.D.S. shop vide licence no.04 of 1999. The Mukhiya of Gram Panchayat made a complain that he was not running the shop properly, making allegation that he was charging higher rate from different consumers for different goods and also indulged in imperiling the beneficiaries. The Block Supply Officer, Kadwa, inspected the shop of the petitioner and submitted his inquiry report, on that basis, a proceeding was



initiated against him. The petitioner was given the show-cause, which was replied by him, but the Sub-Divisional Officer, Barsoi, Katihar, vide order dated 17.08.2011 cancelled the licence of the petitioner. Against the aforesaid order, the petitioner has moved before the District Magistrate, Katihar, who is the appellate authority, by filing appeal, which was registered as Supply Appeal No.202 of 2011-12. The District Magistrate vide order dated 14.02.2017 rejected the said appeal and affirmed the order of the Sub-Divisional Officer.

Learned counsel for the petitioner submits that the Sub-Divisional Officer, without properly holding the proceeding, has passed the order against the petitioner, that too very cryptic order, does not disclose the reason. At the same time, the appellate authority also has passed such type of order, does not reflect that in what manner he has applied his mind.

Learned counsel for the State has tried to justify the action of both the authorities, but from perusal of the orders of both the authorities, it appears that both of them have not applied their mind and passed the cryptic orders without dealing with the defence having been taken by the petitioner in his reply.

In such view of the matter, the order dated 14.02.2017 passed by the District Magistrate, Katihar, in Supply Appeal No.202



of 2011-12 and order dated 17.08.2011 passed by the Sub-Divisional Officer, Barsoi, Katihar, are set aside. This Court directs the Sub-Divisional Officer, Barsoi, Katihar, to pass a fresh reasoned order after applying his independent mind and hearing the petitioner within a period of three months from the date of receipt/production of a copy of this order.

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	05.09.2017
Transmission Date	N/A.

