

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7568 of 2016

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1. Aanandi Kumar Singh son of Late Mushafir Singh, resident of village Mahiyarpur, P.O. and Panchayat Chowar, P.S. Wazirganj, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Dcepartment of Food and Supply Consumer Protection, Government of of Bihar, Patna.
2. The Collector, cum District Magistrate and appellate authority, Gaya.
3. The Sub divisional Officer, cum Licensing Authority, Sadar Gaya.
4. The Assistant District Supply Officer, Sadar, Gaya,
5. The Block Supply Officer, Tankuppa, Gaya.
6. The Assistant Stock Manager, National Food Corporation Bhusunda, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar
For the State : Mr. Ajay Bihari Sinha, GA 8
Mr. Neeraj Raj, AC to GA 8.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-08-2017

Heard Learned counsel for the petitioner and lerned
counsel for the State.

In the present case, petitioner is challenging the order
dated 29.1.2016 passed by the Collector-cum-District
Magistrate, Gaya in Supply Appeal No.2 of 2014 by which he
has rejected the appeal and thereby confirmed the order dated
12.12.2013 passed by the Sub Divisional Officer-cum Licensing
Authority, Sadar Gaya by which licence of the petitioner has
been cancelled.



For certain misdemeanor a proceeding for cancellation of licence was initiated by issuing a show cause dated 12.11.2013 having received the show cause was not found satisfactory, the Sub Divisional Officer decided against the petitioner which was challenged before the appellate authority vide Supply Appeal No. 2 of 2014.

Petitioner has taken a plea that he was not supplied the enquiry report but counter affidavit filed by the State reflects that copy of report was received by his wife in view of living together it will be treated to be valid service. He cannot take a plea that service of notice upon wife will not be valid service.

The appellate authority while dealing with the matter has not dealt with the fact as well as law but by a cryptic order only mentioning there is no error in the order and rejected the appeal. The appellate authority is supposed to apply judicial mind and must discuss the fact as well as law but the same is absent in the order as it does not reflect that appellate authority at all has applied judicial mind and as such the order dated 29.1.2016 is set aside and the matter is remanded back to the Collector, Gaya for fresh consideration and pass a fresh reasoned order in accordance with law.



With the aforesaid observation this appeal is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.8.2017
Transmission Date	NA

