

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1253 of 2017

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Ripu Yadav @ Ripu Yadav, Son of Sri Bhanjan Yadav, Resident of Village- Utra Patti, Jagobigha, Panchayat Murhara Prakhand Ratni Faridpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Jehanabad.
3. The Sub-Divisional Officer-cum-Licensing Authority, Jehanabad.
4. The Marketing Officer, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Respondent/s : Mr. Sanjay Kr. Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-04-2017

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

In the present case, the petitioner is challenging the action of S.D.O. cum Licensing Authority, Jehanabad, whereby and whereunder, firstly, the licence of the petitioner was suspended and, later on, the same was cancelled, whereafter, the petitioner filed an appeal before the District Magistrate cum Collector, Jehanabad, the appellate authority and the appellate authority, without following the proper procedure, even without opening the file of the case filed by the petitioner, in the first page of the application, has recorded in his own handwriting the order as if he was discharging the



administrative function.

The Collector is an appellate authority, he must understand in what manner the quasi judicial body functions, has to be discharged in such a manner that proper procedure has been followed, it should be ensured justice is not only done but must appear that justice has been done. In the manner the appeal has been disposed of, it does not satisfy the norms of performance of quasi judicial function.

In that view of the matter, the order dated 9.7.2013, by which the appeal of the petitioner has been dismissed for default, is set aside. The case will be treated to have been restored before the Collector and the Collector, Jehanabad, after giving due notice and hearing to the petitioner, will take a decision in accordance with law expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.04.2017
Transmission Date	NA

