

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4260 of 2017

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Shyam Kishore Singh, son of Late Darwari Singh, resident of Village- Gadua, P.S.- Warsaliganj, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
3. The District Magistrate.
4. The Sub Divisional Officer, Nawada.
5. The Assistant District Supply Officer, Nawada.
6. The Block Supply Officer, Warisaliganj, Nawada.

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. Upendra Pratap Singh, A.C. to S.C.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-06-2017

Heard the parties.

2. In this case, the petitioner is challenging the order dated 09.01.2017 passed by the District Magistrate, Nawada in Case No. 19(M)/2016, whereby and whereunder he has affirmed the order of the Sub-Divisional Officer, Nawada, by which the Sub-Divisional Officer, Nawada has cancelled the P.D.S. licence of the petitioner.

3. Learned counsel for the petitioner submits that the order of the District Magistrate, Nawada does not disclose his own finding with regard to allegation made against the petitioner, but has only discussed the case of both the sides and without recording



any finding rejected the appeal of the petitioner.

4. Learned counsel for the State submits that the order of the District Magistrate, Nawada does not suffer from any illegality.

5. Having considered the rival contentions of the parties, it is apparently clear that the appellate authority while dismissing the appeal of the petitioner has not at all recorded his own independent finding with regard to allegation made against the petitioner, but has only discussed the case of both the sides and rejected the appeal. Hence, the order of the District Magistrate, Nawada suffers from patent illegality.

6. In such view of the matter, the order dated 09.01.2017 passed by the District Magistrate, Nawada, is set aside. The matter is remanded back to the District Magistrate, Nawada, for passing a fresh order in accordance with law.

7. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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