

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.326 of 2017

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1. Gopal Rajvanshi, Son of Sri Ramu Rajvanshi, resident of Mayabigha, Police Station Wazirganj, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna
2. The District Magistrate, Gaya
3. The Sub Divisional officer, Sadar Gaya, Distt. Gaya
4. The District Supply officer, Gaya
5. The Block Supply Officer, Wazirganj, Distt. Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the State : Mr. Arvind Ujwal, SC 4
Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-08-2017

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

In the present case, petitioner is challenging the order dated 30.7.2015 passed by the District Magistrate, Gaya in Supply Appeal No.25 of 2014 by which he has rejected the appeal of the petitioner without discussing the merit of the case and confirmed the order dated 30.1.2012 passed by the Sub Divisional Officer, Sadar Gaya.

It appears that on the complaint of the consumer a proceeding was initiated against the petitioner for cancellation of



licence by the Sub Divisional Officer by issuing show cause notice vide memo no. 5 dated 2.1.2012 mentioning therein that petitioner has not supplied the food grains to the Antodya consumers for the month of August 2011 to September, 2011. He was absent in the meeting dated 25.11.2012. He had not supplied the food grains to the BPL consumers for the month of August 2011 to October 11, items were not mentioned on the notice board and was supplying less quantity of the food grains. Petitioner filed his show cause, the Sub Divisional Officer passed a reasoned order Vide order dated 31.1.2012.

Being aggrieved by the aforesaid order the petitioner has filed an appeal to the appellate authority but the appellate authority by a cryptic order has rejected the appeal. The proceeding before the appellate authority is continuation of the trial but the order itself reflects that while disposing of the appeal the appellate authority did not care to pass a reasoned order. It must reflect that there is proper application of mind on facts and law, the cryptic order passed by the appellate authority cannot be approved by this Court.

In such view of the matter, the order dated 30.7.2015 passed by the appellate authority is set aside. The matter is remanded back to the appellate authority for fresh consideration.



Complaint has been made by the petitioner that he was not supplied the enquiry report. If not already supplied, the Collector is directed to supply and also with. The petitioner after receipt of the same, if so like, may file additional ground of memo which will be considered by the appellate authority. All process should be completed within a period of five months from the date of receipt/ production of a copy of this order.

With the aforesaid observation this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.8.2017
Transmission Date	NA

