

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7772 of 2016

=====

1. Ram Tahal Manjhi son of Late Bhajan Manjhi, Resident of village-
Lachchwar, Police Station- Thawey, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food &
Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj. null null
3. The Sub-Divisional Officer, Gopalganj.
4. The Assistant District Supply Officer, Gopalganj.
5. The Block Development Officer-cum-Block Supply Officer, Thawey,
District- Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
Mr. Lokesh Kumar Singh, Adv.
For the Respondent/s : Mr. Md. Irshad, AC to S.C.-1

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 10-05-2017 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this writ petition, the petitioner has challenged the
order of the appellate authority vide appeal no. 1 of 2016 dated
15.03.2016, whereby and whereunder, he has rejected the appeal
and, thereby, affirmed the order passed by the S.D.O., Gopalganj
dated 23.12.2015.

This Court, while directing the State to file a
supplementary counter affidavit, has recorded the grievance of the
petitioner that the report of Block Supply Officer, Thawey was in
support of the claim of the petitioner, thereafter, the A.D.S.O. was



directed to enquire into the matter and submitted the report, which was not served upon the petitioner and thereby, has not complied the minimum requirement of natural justice by service of report upon the petitioner. It has been stated by the State that the enquiry report of A.D.S.O., Gopalganj along with the show cause was served upon the petitioner, which is a disputed question of fact, in order to resolve the matter, the case is relegated to Revisional Authority.

Accordingly, the case be remanded to the Revisional Authority who will adjudicate the dispute by passing reasoned order. While considering the issue of limitation will take into consideration the pendency of the present case before this Court. If the petition is filed within four weeks from today, the Commissioner will dispose of the same after giving proper notice to the parties concerned within a period of three months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J.)

Rakhi

U			
---	--	--	--

