

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9955 of 2015

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1. Yogendra Paswan, S/O Brahamdeo Paswan, Resident of Village-Baliyawan, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary of the Govt. Food Supply & Commercial Department, Bihar, Patna.
2. The District Magistrate, Patna, District- Patna.
3. The Additional District Magistrate (Supply) Dist- Patna.
4. The Sub-divisional Officer, Danapur, Supply Department, District- Patna.
5. The Block Supply Officer, Naubatpur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the State : Mr. Subodh Kumar, AC to SC 16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is challenging the order dated 12.5.2014 passed by the District Magistrate, Patna in E.C. Appeal No.26 of 2013-14 by which the appeal of the petitioner has been rejected without even disclosing his judicial mind and by a cryptic order appeal has been rejected.

On perusal of the impugned order it appears that the District Magistrate has only recorded the case of the petitioner and case of the State, in two lines order has recorded that he does not find any substance in the appeal and rejected the same. District Magistrate has not taken care to record his



reasons being the District Magistrate is the appellate authority as quasi judicial body. It appears that he has not applied his judicial mind and independent mind.

It appears that this Court vide order dated 27.6.2013 passed in C.W.J.C. No.23261 of 2011 directed the District Magistrate to hear the matter and decide the same but the manner in which he has passed the order cannot be sustained.

Accordingly the order dated 12.5.2014 is set aside and matter is remanded back to pass a reasoned order giving his own reason for arriving to a finding either in favour of the petitioner or against the petitioner, not merely recording the case of both sides.

Petitioner is at liberty to file supplementary memo of appeal in support of his case. This Court is not giving any opinion on the merit of the case.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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