

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5812 of 2017

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Chandeshwar Prasad son of Late Bhagwat Mahton resident of Village -
Kanchanpur, P.S. - Deepnagar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar.
2. District Magistrate, Nalanda.
3. Commissioner, Nalanda Division, Nalanda.
4. S.D.O., Biharsharif cum Licensing Authority.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-11-2017

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

In this case, the petitioner is making a prayer for setting aside
the order dated 3.9.2007 as contained in Memo No. 542 dated 3.9.2007
passed by the S.D.O., Biharsharif cancelled the P.D.S. license of the
petitioner bearing License No. 57/Bihar/07 (Old 40/89) and the order dated
14.7.2016 passed by the District Magistrate-cum-Collector, Nalanda at
Biharsharif in Supply Case No. 2015 who has refused to admit the
application filed by the petitioner.

From the order itself, it appears that the S.D.O., Biharsharif
has initiated a proceeding on the basis of report dated 27.7.2007 of Block
Supply Officer, Biharsharif for misdemeanor committed by the petitioner in



running the P.D.S. shop. The show-cause was issued which was replied by the petitioner but, by a cryptic order, the S.D.O. cancelled the P.D.S. license of the petitioner. The petitioner filed appeal before the Collector who refused to admit the application vide order dated 14.7.2017.

When an appeal is filed, it is expected from the appellate authority, firstly, he will admit the case and, after giving full hearing considering the fact and law, will pass a reasoned order but, in the present case, the District Magistrate, Nalanda has refused to admit the appeal.

This Court finds that the order dated 3.9.2007 passed by the S.D.O., Biharsharif as also the order dated 14.7.2016 passed by the District Magistrate, Nalanda at Biharsharif are not sustainable, both the orders are set aside and the matter is remanded back to the S.D.O., Biharsharif who will give full hearing to the petitioner and will pass a reasoned order in accordance with law.

This writ application is, accordingly, allowed to the extent indicated above.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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