

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7256 of 2018

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Md. Irsad, Son of Late Md. Vasi, resident of Village- Ramaul, P.S.-
Kamtaul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Darbhanga.
4. The Sub Divisional Officer, Sadar, Darbhanga.
5. The Block Supply Officer, Jale, Darbhanga.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sushmita Mishra

For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2018 The learned counsel for the petitioner has raised a short issue for consideration to the effect that the appellate order dated 17.11.2017 passed by the Collector-cum-District Magistrate, Darbhanga in P.D.S. Appeal No. 196 of 2017 is cryptic and unreasoned and has not considered the issue raised by the petitioner herein in the appeal.

I have perused the impugned order dated 17.11.2017 and I find that there is absolutely no consideration in the appeal regarding the issues raised by the petitioner herein and merely in a sentence, the appeal has been dismissed on the ground that the order of the Sub-Divisional Officer, Sadar, Darbhanga dated 09.10.2017 is correct.

This Court is of the opinion that if such orders are passed



by the appellate authorities, as has been passed in the present case, the purpose of appeal will be lost and there would be no use to relegate an aggrieved person to the appellate forum.

In any view of the matter, the appellate authority is required to consider the validity of the impugned order passed by the Sub-Divisional Officer along with the issues raised in the appeal and thereafter the appellate authority is required to pass a well reasoned, just and legal order, in accordance with law which should definitely depict application of mind. However, in the instant case neither the impugned order dated 17.11.2017 depicts any application of mind by the Collector nor the same shows consideration of the issues raised by the petitioner herein, hence it is not only perverse but also in teeth of the principles of propriety. Accordingly, the order dated 17.11.2017, passed by the Collector-cum-District Magistrate, Darbhanga, is quashed with a direction to the appellate authority to re-hear the matter, after giving an opportunity of hearing to the petitioner herein, and pass a well reasoned and speaking order, in accordance with law within a period of 12 weeks from today.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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