

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1064 of 2016

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Chunchun Jha son of Late Hari Kant Jha resident of Village- Telhara Kalan,
Police Station- Kundwa Chainpur, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar Through Its Secretary, Food And Civil Supply, Govt. of Bihar, Patna .
2. The District Magistrate, East Champaran, Motihari.
3. The Assistant District Supply Officer, Sikarhana, Motihari, East Champaran.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Deputy Superintendent of Police, Sikarhana, East Champaran, Motihari.
6. The Sub Divisional Officer, Sikarhana, Dhaka, East Champaran, Motihari.
7. The District Supply Officer, Sikarhana, Dhaka, East Champaran, Motihari.
8. The Assistant Manager, State Food Corporation Godown, Dhaka, Motihari.
9. The Block Supply Officer cum Marketing Officer, Dhaka, East Champaran, Motihari.
10. The Investigating Officer, Kundwa Chainpur, Motihari, East Champaran.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Manikant Mishra, Advocate
		Mr. Anil Kumar, Advocate
For the State	:	Mr. Manoj Kumar, A.C. to G.P.4
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 21-08-2018 Heard learned counsel for the petitioner and learned counsel representing the State as also learned counsel representing the Bihar State Food and Civil Supplies Corporation.

This writ application has been preferred for issuance of a writ of mandamus commanding the respondents to conduct an enquiry against Sub-Divisional Officer, Sikarhana, Dhaka, East Champaran, Motihari, as contained in Annexure-10 to the petition.



In the nature of reliefs, as prayed in the writ application, this court need not go into the details which form part of the record.

Suffice is to say that this petitioner happened to be a Public Distribution Shop Dealer under the licence in Gram Panchayat, Telhara Kalan, East Champaran, Motihari. It appears that there were some allegations against the petitioner that he was not supplying the food-grains and had taken the ration-card of some of the beneficiaries illegally. On a complaint received in this regard, the Sub-Divisional Officer along with Assistant District Supply Officer, Sikarhana, Motihari, East Champaran conducted an enquiry and in course of enquiry several discrepancies were pointed out. The petitioner was show caused but according to the respondents, he did not respond to the notices issued by the Sub-Divisional Officer. In the process, the petitioner made certain allegations against the Sub-Divisional Officer and requested for an enquiry in this regard.

Learned counsel representing the petitioner has pointed out Annexure-10 to the writ application available on the record. At this stage learned counsel for the petitioner disputes the submission of the State and submits that the petitioner had filed his show cause.

On the other hand, learned counsel representing the



State has pointed out from paragraph-18 of the counter affidavit that the present writ application has become infructuous inasmuch as pursuant to the letter (Annexure-10 to the writ application), the enquiry was made with respect to the Sub-Divisional Officer, Sikarhana, Dhaka, East Champaran. A copy of the enquiry report dated 04.08.2017 submitted by the Public Grievance Redressal Officer, Pakridayal cum In-charge Officer, District General Section, East Champaran has been brought on record with the counter affidavit.

This court has gone through the same and finds that the enquiry report had dealt with the facts and circumstances and the allegations made by this petitioner against the Sub-Divisional officer. The enquiry report shows that the Sub-Divisional Officer had directed for lodgment of the F.I.R. against the petitioner under Section 7 of the Essential Commodities Act and had also cancelled the licence of the petitioner on 05.01.2016. The enquiry Officer has come to a finding that in such circumstances against the order cancelling the licence the petitioner has a remedy of statutory appeal. Learned counsel for the petitioner has raised an issue out of this enquiry report inasmuch as he submits that the enquiry officer has not recorded any finding with respect to the allegations made against the Sub-Divisional Officer, and therefore it cannot



be said to be a proper enquiry with regard to the allegations made by the petitioner. This court is however not ready to examine the submission of learned counsel representing the petitioner with regard to the deficiencies in the enquiry report, in the present writ application. This court being a constitutional court would not act as a fact finding body, whereunder the court find out the facts after directing the enquiry which will not be in the nature of a judicial enquiry or an enquiry in accordance with law. If at all the petitioner is aggrieved by the kind of enquiry made by the officer, he will have to seek his remedy in an appropriate proceeding in accordance with law.

The writ application is disposed off in the aforesaid facts and circumstances with a liberty to the petitioner to seek his remedy if aggrieved with the report in an appropriate proceeding.

(Rajeev Ranjan Prasad, J)

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