

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.960 of 2019

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Ramchandra Yadav, Age 45 years (M), son of Munga Lal Yadav, Resident of Ward No. 1, Village- Koni Ganaura Panchayat Ganaura, Block-Marauna, P.S.- Marauna, District-Supaul.

... .. Petitioner/s

Versus

- 1.The State Of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
- 2.The District Magistrate-Cum-Collector, Supaul.
- 3.The Sub-Divisional Officer, Nirmali.
- 4.The Block Supply Officer, Marauna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, Adv.
For the Respondent/s : Mr.U.P.Singh, AC to SC 4.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

In the nature of the pleadings available on the record and the facts apparent from the impugned order, this Court finds that before passing the impugned order, the Sub-Divisional Officer, Nirmali has taken note of the submissions of the petitioner but thereafter he has not at all considered those submissions and has gone by the report of the Enquiry Officer.

Learned counsel for the petitioner submits that the petitioner had submitted the Affidavits of the beneficiaries, the duplicate copy of the Cash Memos as also the Distribution Register containing the signatures of the consumers. He had also



submitted the Stock Register of the Panchayat Vigilance Committee but all these materials placed before the Sub-Divisional Officer, Nirmali have not been looked into and without examining those materials the impugned order has been passed. Learned counsel for the petitioner, thus, submits that the impugned order is bad in law and is liable to be set-aside.

This Court has gone through the impugned order. The Court is willing to agree with the submission of the learned counsel representing the petitioner to the extent that the Sub-Divisional Officer, Nirmali has not looked into the materials which were placed on behalf of the petitioner. The impugned order is, thus, bad in law and is liable to be set-aside. It is set-aside, accordingly.

Learned counsel for the State submits that the matter may be allowed to be considered afresh by the Sub-Divisional Officer, Nirmali

The matter is remitted to the Sub-Divisional Officer, Nirmali to consider the issues afresh after looking into the materials which have been placed by the petitioner and an appropriate decision thereon be communicated to the petitioner within a period of 60 days from the date of receipt/production of a copy of this order.



Till, disposal of the proceeding by the Sub-Divisional Officer, he would consider restoration of the license of the petitioner and other consequential benefits such as resumption of supplies etc to the petitioner subject to the final decision. Decision with regard to the restoration of license and resumption of supply must be taken within a period of one week from the date of receipt/production of a copy of this order.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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