

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3771 of 2019

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Lakhan Ravidas @ Lakhan Das (Male) aged about 36 years, S/o Dukhan Das
Vill.- Koshdihra, Village Panchayat- Solra, P.S.- Paraiya, Distt.- Gaya
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Govt. of Bihar, Patna
2. The District Magistrate Gaya
3. The Sub Divisional Officer Tikari, Distt.- Gaya
4. The Block Supply Officer Paraiya, Distt.- Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

After going through the impugned order as contained in Memo No. 575 dated 05.12.2018 when it was prima-facie found that although the explanation of the petitioner has been taken note of by the Sub-Divisional Officer, but then, he has not considered all those explanations and materials which were brought before him only on the ground that now the beneficiaries are trying to take back their complaint, learned counsel for the State has accepted the position that the Sub-Divisional Officer should have considered the entire explanation and the materials in totality and then only any order could have been passed by him.



Learned counsel for the petitioner submits that although the Sub-Divisional Officer has taken note of the explanations and even of the copies of the cash-memos and the distribution registers containing the signature/thumb impression of the beneficiaries as also the affidavits of the consumers and the written recommendation of the local Mukhiya and Sarpanch that the petitioner is working well for the beneficiaries, all these materials have not at all been considered. He has also placed before this court a copy of the order dated 29.04.2019 passed in CWJC No. 2477/2019, where, in similar circumstance, this court has quashed the impugned order passed by the Sub-Divisional Officer, Neemchak Bathani, Gaya and had remitted the matter to him for a fresh consideration.

In the given facts and circumstances of the case as also the stand of the State, the impugned order as contained in Memo No. 575 dated 05.12.2018 as contained in Annexure '4' is hereby set aside.

The mater is remitted to the Sub-Divisional Officer, Takari, Gaya for a fresh consideration of the entire matter after taking up proper verification of the affidavits and other materials which have been brought on the record on behalf of the petitioner and after conducting proper inquiry take an



independent view of the matter within a period of 90 days from the date of receipt/production of a copy of this order.

In the meantime, the license of the petitioner shall stand restored.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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