

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5300 of 2019

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Ram Ekbal Rai son of Satya Narayan Rai, Resident of Kadamawa Tola, Ward
No. 13, Kadamawa, P.S. - Ghorasahan, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Collectors, East Champaran.
3. The Sub - Divisional Officer, Siskrahana Dhaka, East Champarn.
4. The District Programme Officer, East Champaran.
5. The Block Supply Officer, Sikrahana, East Champaran, Motihari

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
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

3 13-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In the nature of the submissions and order proposed to
be passed learned counsel for the State submits that no counter
affidavit is required to be invited and the matter may be remitted
to the appellate authority for a fresh consideration in view of the
submissions made at the Bar.

Learned counsel for the petitioner has drawn the
attention of this Court towards the appellate order dated
11.01.2019 (Annexure '5' to the writ application) wherein the
appellate authority has taken note of the comments and the
opinion of the Block Supply Officer, Ghorasahan.



Learned counsel submits that although the appellate authority has taken note of the fact that the Block Supply Officer, Ghorasahan had with its report submitted the xerox copy of 60 Ration Card Holders with signature making allegation against the petitioner, the appellate order has failed to consider the stand of the petitioner that neither the copy of the report of the Block Supply Officer, Ghorasahan nor the alleged complaints said to have been made by the Ration Card Holders were made available to the petitioner. Learned counsel submits that only three days time was granted to the petitioner to submit his reply to the show cause notice which cannot be said to be a reasonable time by any stretch of imagination.

Learned counsel for the State submits that since from the impugned appellate order it does not appear that the petitioner was made available the report of the Block Supply Officer and the copy of the complaint etc. on which reliance has been placed, the appellate authority may be directed to look into that aspect of the matter and take a view thereof.

Having heard learned counsel for the petitioner and the State, this Court finds substance in the submissions made by the petitioner. On a perusal of the impugned appellate order it appears that the shop in question was inspected on 23.01.2017,



the petitioner was given only three days time to file a show cause and after the show case was submitted by the petitioner, once again the Block Supply Officer was called upon to submit his comment thereon. The appellate order shows that there were three serious allegations against the petitioner but it nowhere considers as to whether or not the report of the Block Supply Officer, Ghorasahan together with the copy of the complaints were ever made available to the petitioner.

In the opinion of this Court, if those documents were not made available to the petitioner, there was no opportunity for the petitioner to submit a proper show cause answering all aspects of the matter. The appellate authority i.e. the Collector, East Champaran, Motihari (Respondent No. 2) is hereby directed to consider the appeal being Supply Appeal No. 191 of 2017 afresh keeping in view the aforesaid aspects of the matter and take an appropriate decision thereon after giving opportunity of hearing to the petitioner. The impugned appellate order dated 11.01.2019 passed in Supply Appeal No. 191 of 2017 (Ram Ekbal Rai vs. State) as contained in Annexure '5' to the writ application is hereby set aside.

The matter is remitted to the Respondent No. 2 for fresh consideration and decision within a period of three months



from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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