

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3035 of 2020

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Rameshwar Ram, son of Late Ramlal Ram, Resident of village- Sultanpur,
P.O. Sutihar, P.S. Derni, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Consumer and Food Protection Department Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra, District- Saran at Chapra.
4. The Sub-Divisional Officer, Sonapur, District- Saran at Chapra.
5. The Block Development Officer, Dariyapur, District- Saran at Chapra.
6. The Block Supply Officer, Dariyapur, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam
For the Respondent/s	:	Mr.S.Raza Ahmad
		Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2020 The present writ petition has been filed for quashing the order dated 30.11.2017 passed by the Sub-Divisional Officer, Sonapur, Saran whereby and whereunder the PDS license of the petitioner bearing License No. 93 of 2016 has been cancelled. It is further prayed to quash the appellate order dated 4.9.2018 and the revisional order dated 10.5.2019.

The learned counsel for the petitioner has confined his arguments to the effect that once the revisional authority had found merit in the case of the petitioner and had made up his mind to remand the matter, he ought to have not only set aside the orders of the subordinate authorities, but should have



remitted the matter back to the original authority. It is submitted that since the original authority in the present case is the Sub-Divisional Officer, Sonapur, the learned Commissioner, Saran Division, Chapra ought to have remanded the matter back to the S.D.O., Sonapur and not to the District Magistrate, Saran.

The learned counsel appearing for the State has got no quarrel on the issue of law, as aforesaid.

Having regard to the facts and circumstances of this case and considering the submissions made by the learned counsel for the parties, this Court is of the opinion that in case, the Commissioner, Saran Division, Chapra had found some merit in the claim of the petitioner, as has been noted in the said order dated 10.5.2019, he should have set aside the appellate order and the original order dated 4.9.2018 and 30.11.2017, respectively and remanded the matter to the Sub-Divisional Officer, Sonapur.

For the reasons mentioned hereinabove, I deem it fit and proper to set aside the orders dated 10.5.2019, 4.9.2018 and 30.11.2017 passed by the learned Commissioner, Saran Division, Chapra, the District Magistrate, Saran at Chapra and the Sub-Divisional Officer, Sonapur, Saran however, with liberty to the Sub-Divisional Officer, Sonapur, Saran to proceed



afresh in the matter after making fresh inquiry, supplying a copy of the same to the petitioner herein and after granting him an opportunity of hearing.

The writ petition stands allowed, subject to the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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