

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21434 of 2019

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Mahesh Ram S/o Late Ram Lakshan Ram @ Ramalachan Ram Resident of
Village- Bhagwanpur, p.s.- Dhaka, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the District magistrate, Distt.- East Champaran
2. The Sub Divisional Officer Sikrahana, Dhaka, Distt.- East Champaran
3. The Block Supply Officer Dhaka, Distt.- East Champaran

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 14-02-2020

Heard the learned counsel for the petitioner and
the State.

The challenge in the present petition is to the
order dated 31.08.2019 passed by the District Magistrate,
East Champaran at Motihari.

It would be necessary to refer to the stages
through which the case of the petitioner has passed. The
licensing authority-cum-Sub Divisional Officer, Sikrahana
Dhaka had cancelled the license of the petitioner on the
basis of certain complaints raised against him. The



aforesaid order of cancellation of license was challenged before the Appellate Authority *viz* the District Magistrate, East Champaran at Motihari. The order passed by the Appellate Authority was non-speaking and therefore the petitioner approached this Court. This Court, on finding that a provision for revision is available to the petitioner, directed him to prefer a revision before the Divisional Commissioner. The Divisional Commissioner on perusal of the order passed by the Appellate Authority was of the view that the order required to be re-written after taking into account the grounds urged by the petitioner in appeal and giving his reasons for differing with those grounds. The District Magistrate-cum-Appellate Authority has now again passed the order without giving any reasons for rejecting the explanation offered by the petitioner.

After reading the order impugned, this Court derives an opinion that either the appellate authority did not understand the drift and the contents of the order passed by the Divisional Commissioner in revision or has



adopted an absolutely cavalier approach in dealing with such matters which required a consideration in a judicious manner.

Except for recording the stages through which the case of the petitioner has passed, there is not even a scintilla of reason for reiterating the earlier order passed by the authority. This reflects not only lack of application of mind but a "devil may care" approach of an authority as responsible and high as the District Magistrate, which can not at all be countenanced.

Apart from such order bringing dissatisfaction to the persons concerned, it only adds to the docket of the judicial system.

Thus, the order impugned is set aside.

The matter is remitted to the Appellate Authority with a caution to pass an order only after consideration of the grounds urged by the petitioners and explaining the reasons why such grounds are being rejected or allowed.



This Court expresses its deep anguish at the manner in which the Appellate Authority has discharged his function.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	17.02.2020
Transmission Date	

