

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9924 of 2024

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Surya Dayal Ram Son of- Kauleshwar Ram, Resident of village- Lapura, P.S.-
Aurangabad, District- Aurangabad, Bihar. ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Sub Division- Magadh, Gaya.
3. The District Magistrate, Aurangabad.
4. The Sub Divisional Officer, Aurangabad.
5. The Block Supply Officer, Aurangabad. ... Respondents

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Appearance :

For the Petitioner	:	Mr.N.K. Agrawal, Sr. Adv. with M/s Kumar Rajdeep, Arvind Kumar & Diksha Kumari, Advs.
For the Respondents	:	Mr.Government Pleader (20)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 01-10-2024 Heard the learned counsel for the parties.

2. Learned counsel has stated that the Sub Divisional Officer, Aurangabad (Respondent No. 4) has passed the impugned order, dated 08.11.2022 (Annexure 4) without granting any opportunity to the petitioner to cross-examine the complainants. Learned counsel has relied on the judgment of this Court passed in C.W.J.C. No. 6931 of 2023 dated 13.10.2023.

3. As seen from the record, the officer concerned has not conducted any enquiry to test the veracity of the complaints made by the consumers. Moreover, the officer has not taken into consideration the affidavits of the consumers submitted by



the petitioner. There is no evidence to substantiate the allegations made against the petitioner through independent witness or any consumer, the authorities concerned ought to have examined the consumers and given an opportunity to the petitioner to cross-examine the consumers. The Appellate as well as the Revisional Authorities have passed the orders in a mechanical manner without adverting to any of the grounds raised by the petitioner in the appeal or revision.

4. Having regard to the above made submissions, this Court is of the opinion that the impugned orders are liable to be set aside and the matter remanded back to the Sub-Divisional Officer concerned for passing orders afresh duly taking into consideration the explanations submitted by the petitioner along with the affidavits of the consumers.

5. The writ petition is accordingly allowed. The revisional order dated 30.11.2023 (Annexure 7), the appellate order dated 05.04.2023 (Annexure 6 and the primary order dated 08.11.2022 (Annexure 4) are all set aside. The Sub-Divisional Officer concerned shall put the petitioner on notice, duly giving him an opportunity of leading any evidence including cross-examining the consumers who have made the complaints. The matter shall be decided on merits in accordance



with law. The Sub- Divisional Officer concerned shall endeavor to see that the case is disposed off as expeditiously as possible preferably within a period of ten weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the parties.

6. With the above direction, the present writ petition stands allowed.

(A. Abhishek Reddy , J)

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