

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17467 of 2022

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Rajeev Kumar Choudhary Son of Ramesh Prasad Choudhary Resident of
Village- Bharko, P.S.- Amarpur, District- Banka ... Petitioner
Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
 2. The Collector, Banka.
 3. The Sub- Divisional Officer, Banka, District- Banka. ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Adv.
For the Respondents : Mr. Anisul Haque, AC to AAG V

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

4 01-10-2024 Heard the learned counsel for the parties.

2. Learned counsel has stated that the Sub Divisional Officer, Banka (Respondent No. 3) has passed the impugned order, dated 05.05.2020 (Annexure 1) without granting liberty 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 consumer and given an opportunity to the petitioner to cross-examine the consumers. However, in this case, the Appellate as well as the Primary Authorities have passed the orders in a mechanical manner without advertent 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. Accordingly, the primary order dated 05.05.2020 (Annexure 1) and the appellate order dated 03.06.2022 (Annexure 4) are both set aside. The writ petition is accordingly allowed. The Sub-Divisional Officer concerned shall put the petitioner on notice and duly giving him an opportunity of leading any evidence including cross-examining the complainants. 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 to the extent indicated.

(A. Abhishek Reddy , J)

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