

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16330 of 2023

Chhutharu Prasad Yadav @ Chhutehru Prasad Yadav, Son of Late Kulai Yadav, Resident of Village – Mojaha- Sujanpur, P.S. Kishanpur, District Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Supply, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Sub-Divisional Officer, Supaul.
4. The District Supply Officer, Supaul.
5. The Block Supply Officer, Kishunpur, Supaul.
6. The Auction Authority, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Anamul Haque, Adv. Ms. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (Aag 5)

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

6 24-04-2025 Learned counsel appearing on behalf of the petitioner has stated that the authority, i.e., Sub-Divisional Officer concerned has passed the impugned order dated 30.05.2023 (Annexure 1) without adverting to the show cause notice and simply relied on the report of the Block Supply Officer to pass the same. Learned counsel has stated that the authority ought to have applied his mind independently and passed a reasoned order duly taking into account the show cause furnished by the petitioner. However in this particular case except relying on the opinion of the Block Supply Officer, the authority has not passed the order on merits.



2. Per contra, learned counsel appearing on behalf of the respondents-State has vehemently opposed granting of any relief sought for in the present writ petition. Learned counsel has stated that the petitioner is having an alternative and efficacious remedy of filing an appeal before the District Magistrate concerned. However, the petitioner has straightaway approached this Hon'ble Court by way of the present writ petition. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

3. A perusal of the impugned order dated 30.05.2023 passed by the Sub-Divisional Officer reveals that the authority while reiterating the facts and the opinion of the Block Supply Officer has not adverted to the explanation submitted by the petitioner. The authority has not passed the order independently and no reasons have being given as to why the explanation submitted by the petitioner has to be rejected. The order is bereft of any reasons, the authority is supposed to pass orders duly taking into consideration the explanation submitted by the petitioner and while passing the same the opinion of the Block Supply Officer can be taken into consideration. But in this particular case as seen from the record the authority has simply relied on the opinion of the Block Supply Officer and not passed



the order independently. The impugned order is liable to be set aside on this ground alone and the same is accordingly set aside. Though the learned counsel appearing on behalf of the respondents has prayed for dismissal of the present writ petition on the grounds of having an alternative and efficacious remedy of filing an appeal is provided under the Act.

4. It is to be noted that when there is gross violations of principles of natural justice and equity and the order is completely contrary to well settled principle of law. This Court under Article 226 of the Constitution of India can entertain the present writ petition and the plea of alternative and efficacious remedy cannot be ground for rejecting the case of the petitioner.

5. Having regard to the same, the impugned order dated 30.05.2023 is set aside and the matter is remanded back to the Sub-Divisional Officer for passing orders afresh duly taking into consideration the explanation submitted by the petitioner. In case the authority wants to rely on the enquiry report or the opinion of the Block Supply Officer, the same shall be furnished to the petitioner and the petitioner shall be given an opportunity of submitting his explanation. Thereafter, the authority concerned shall give an opportunity of hearing to the petitioner and pass necessary orders on merits. The entire exercise shall be



completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the petitioner.

6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

