

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16187 of 2017**

Chandrika Mishra Son of Late Ram Bali Mishra, Resident of Village-Sirisia,  
P.S.-Kuchaikot, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Assistant District Supply Officer, Gopalganj
6. The Block Supply Officer, Kuchaikot, District-Gopalganj.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ranjeet Kumar Pandey  
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      21-12-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on the behalf of the respondents.

Petitioner is aggrieved by the decision of the Sub-  
Divisional Officer, Gopalganj.

Learned counsel submits that the explanation of the  
petitioner for closure of the shop was disbelieved only on the ground  
that at the relevant time he has undergone treatment and obtain  
certificate of treatment from private hospital and not from  
government hospital and only on that basis the SDO, Gopalganj has  
disbelieved the explanation of the petitioner that he was suffering  
from dehydration. The reason assigned by the Sub-Divisional  
Officer, Gopalganj does not appeal to reason and as such the Court is



of the view that such reasons are unsustainable in law. It appears that the petitioner thereafter preferred Appeal No.10 of 2017 and the same was dismissed by the appellate authority, namely, the Collector, Gopalganj vide order dated 15.09.2017. The reason discussed in the appeal is again reiteration of the same fact. The order of the appellate authority also suffer from the vice of non-application of mind as the appellate authority has dismissed the appeal on the ground that the appellant has not produced the affidavit of any consumer in support of his case, such consideration in considered opinion of this Court is not falling in the category of reasonable exercise of power and as such the appellate order is also unsustainable. The order of the SDO, Gopalganj and appellate authority passed by the Collectorate, Gopalganj is accordingly, hereby set aside. The matter is remitted back to the SDO, Gopalganj for decision afresh in accordance with law.

With the aforesaid, this petition is allowed and disposed of.

**(Anil Kumar Upadhyay, J)**

Prakash Narayan /-

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