

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10130 of 2011

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Aftab Alam, son of Ehsannuddin, Resident of Village Koshi, Police Station Roh,
District- Nawadah

... Petitioner

Versus

1. The State of Bihar
2. The Secretor, Department of Food and Civil Supply Govt. of Bihar, Patna.
3. The Secretary, Department of Rural Development of, Govt. of Bihar, Patna.
4. District Magistrate, Nawadah
5. Deputy Development Officer cum Chief Executive Officer, District Rural Development Authority, Nawadah.
6. Deputy Development Commissioner, Nawadah.
7. Sub Divisional Officer, Nawadah
8. Block Development Officer cum Chief Executive Officer, Roh, District Nawadah
9. Block Supply Officer, Roh, Nawadah.

.... Respondents

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Appearance:

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Respondents : Mr. Birju Prasad, GP 13
Mr. Ashok Kumar,
Mr. Ravi Kumar, ACs to GA to GP13.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-09-2016

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for setting
aside the order contained in memo No. 504 dated 09.06.2011 issued
under the signature of Block Development Officer, Roh, Nawada Sadar
by which the petitioner, being a PDS dealer, has been directed to
deposit a sum of Rs. 3,28,744.50 by way of demand draft in favour of
Deputy Development Commissioner-cum-Chief Executive Officer,

District Rural Development Authority, Nawada, towards the food grains which remained undistributed and lying in the shop of the petitioner under 'Sampurna Gramin Rojgar Yojna'. It has also been directed that in the event of failure to deposit the amount within three days, FIR will be instituted against him.

3. At the very outset, learned counsel for the petitioner invites attention to the judgment of this Court dated 21.09.2015 passed in CWJC No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar & others*) and analogous cases, thereby inter alia observing that a Three-Member Enquiry Commission had been constituted for detailed enquiry into the matter with regard to the charges on retention of rice by PDS dealers. It is submitted that the facts and circumstances of the present case are similar and as such, learned counsel for the petitioner requests that the present writ petition may also be disposed on the same line.

4. Learned counsel for the respondents accepts that the case of the petitioner may also be covered by the said judgment passed in CWJC No. 5638 of 2011 and analogous cases and there is no objection to the request of the petitioner.

5. In the above view of the matter and with consent of the parties, this writ petition is disposed of on the same directions and in line with the judgment of this Court dated 21.09.2015 passed in CWJC No. 5638 of 2011 (*Raiful Azam & Ors. Vs. State of Bihar &*

others) and analogous cases and all the observations and directions contained therein shall accordingly apply to the present case.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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