

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14348 of 2011

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Md.Naimuddin, son of Late Abdul Razak Mian, R/o Village- Dakhner, P.S. Paraiya, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Food & Civil Supply, Govt. of Bihar, Patna.
3. The Secretary, Department of Rural Development, Govt. of Bihar, Patna.
4. District Magistrate, Gaya.
5. Deputy Development Commissioner, Gaya.
6. Sub-Divisional Officer, Tekari, District- Gaya.
7. Block Development Officer-cum-Chief Executive Officer, Paraiya, District- Gaya.
8. Block Planning Officer, Paraiya Block, District- Gaya.
9. Block Supply Officer, Paraiya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Girija Shankar Prasad, GP-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2016

The present writ petition has been filed for quashing the orders passed by the Sub-Divisional Officer, Tekari, Gaya (respondent no. 6) vide memo nos. 460 and 466 both dated 20.07.2011, by which the petitioner had been directed to deposit the price of the undistributed rice lying in the godown of the petitioner being a PDS dealer, to the tune of 1042.36 quintals (Rs. 14,28,033/-) relating to the period 2001-02 and for 49 quintals (Rs. 67,130/-) relating to the period 2004-05, which were given to him under S.G.R.Y. head, and required to be deposited by 07.07.2011, failing which legal action may be taken.

2. At the very outset, learned counsel for the petitioner invites attention to the judgment of this Court dated 21.09.2015 passed in C.W.J.C. 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.

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

4. 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 C.W.J.C. 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)

Md. Ibrarul/-

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