

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6386 of 2017

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Sudama Ram, S/o Late Jangi Ram, Village-Bstalwa, P.S.-Kargahar, District-Rohtas

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Food and Supply Consumer Department, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub Divisional Officer, Sasaram
4. The District Supply Officer, Rohtas
5. The Block Development Officer, Kargahar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Naseem Kukhatar, Adv.

For the Respondent/s : Mr. Sanjay Giri, G.P.-9

Mr. Nikhil Kr. Agrawa, A.C. to G.A.-9

Mrs. Deepika Sharan, A.C. to G.A.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-07-2017

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

In this case, the petitioner is challenging the
proceeding of Certificate Case No.10 of 2011-12 pending before the
Sub-Divisional Officer, Sasaram.

The short facts of this case are that the petitioner is
running a P.D.S. shop in the village-Baksada Panchayat in the
district of Rohtas and during the year, 2001-02 to 2006-07 he was
allotted the rice under Sampurna Gramin Rojgar Yojna (S.G.R.Y.)
scheme. The petitioner lifted the rice and distributed the same, but



115 quintal rice remained with the petitioner, which he could not be distributed due to non supply of the permit by the competent authority.

After nine years, the authorities awoke from the slumber and file Certificate Case No.10 of 2011-12 and the notice under Section 7 of the Act has been issued for realization of the cost of the rice which remained with the petitioner.

Learned counsel for the petitioner submits that when the rice could not be distributed the petitioner had offered the authority to take back the rice, but the authority failed to take back the rice. He further submits that the petitioner is ready to deposit 15% of the value of the undistributed food grain @ 10/- per kilogram and submits that the present case is completely covered by the order passed L.P.A. No.1335 of 2011, in an identical situation, this Court has held that the dealer must deposit the sum equivalent to 15% of the value of undistributed rice @ Rs.10 per kilogram within a period of six weeks from the date of passing of the order.

This Court is also directs in the same manner. The petitioner shall deposit 15% of the value of the undistributed food grains @ Rs.10 per kilogram within six weeks from today, but the deposit will be subject to result of Certificate proceeding.

The issue will be decided by the competent authority



within a period of two months from the date the present petitioner deposits the money as directed hereinabove.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	13.07.2017
Transmission Date	N/A

