

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10102 of 2015

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Arvind Kumar S/o Indira Prasad Resident of Silao, P.S. - Silao, Distt - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
3. The District Magistrate, Nalanda.
4. The Deputy Development Commissioner, Nalanda.
5. The Block Development/Programme Officer, Silao, Distt. - Nalanda.
6. The Sub-Divisional Officer cum Certificate Officer, Nalanda.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Ruchikar Jha, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

The present writ petition has been filed for quashing the Certificate Case No. 16/2015-16 pending before the Sub Divisional Officer, Rajgir.

2. Learned counsel for the petitioner submits that the subject certificate proceeding has been initiated against the petitioner for recovery of the value of rice said to have been allotted to the petitioner under the SGRY Scheme but remained undistributed. The petitioner had earlier approached this Court in CWJC No. 10313 of 2011 (Arvind Kumar vs. the State of Bihar and Ors.) which was disposed of along with a batch of writ petitions, by order dated 29.07.2011, *inter alia*, directing for deposit of 20% of the value of undistributed rice at Rs. 10/- per kilogram for the present or the rice itself, if not already



deposited, within two months. The said order was modified in LPA No. 1659 of 2011 (Arvind Kumar vs. the State of Bihar and Ors.) whereby the petitioner was directed to deposit an amount equivalent to 15% of the value of the undistributed rice at Rs.10/- per kilogram. It is stated that the petitioner initially deposited Rs.25,000/- on 16.11.2011 and thereafter deposited an amount of Rs. 1,47,450/- vide receipt no. 499565 dated 23.12.2011 (Annexure-7). As contemplated in terms of the order of this Court the petitioner earlier filed his representation before the Deputy Development Commissioner, (D.D.C), Nalanda on 04.01.2012 (Annexure-8) and a supplementary representation on 3.3.2012 (Annexure-9). It is submitted that even before disposal of the petitioner's representation, the impugned certificate proceeding has been initiated against the petitioner.

3. Learned counsel for the petitioner further refers to the interim order dated 19.07.2012 passed in CWJC No. 10885 of 2012 (Yadunandan Upadhyaya vs. State of Bihar and Ors.) in the case of a similarly situated person wherein the certificate proceeding in that case was directed to be stayed till the writ petition was finally disposed of. Subsequently by judgment dated 05.07.2016 the said writ petition was disposed of with a direction to the Certificate Officer not to proceed against the petitioner until disposal of the petitioner's representation.

4. Learned counsel for the respondents appears and refers to the counter affidavit filed on behalf of the respondents, however, the stand of the petitioner with regard to deposit of the due amount in terms of the orders of this Court as well as filing of the representation before the D.D.C., Nalanda have not been controverted.

5. Having regard to the nature of the grievance of the petitioner



as well as the admitted facts in this case, this Court is of the view that once the petitioner has complied with the orders of this Court by depositing the requisite amount towards 15% of the undistributed rice @ Rs. 10/- per kilogram and having approached the D.D.C. with his representation, the respondents should not have proceeded further in the matter during the pendency of the representations. Learned counsel for the State has not brought anything on record to show that the representations have since been disposed of.

6. In the above view of the matter, it is directed that further proceedings in Certificate Case No. 16/2015-16 shall not be proceeded until such time the petitioner’s representations at Annexures 8 and 9 have been disposed of by the D.D.C., Nalanda on merits.

7. The writ petition stands allowed to the extent as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2018
Transmission Date	NA

