

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17462 of 2009

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Shiv Bachan Rai S/O Late Shri Ramgati Rai Vill-Shanan Chak, P.O-Bajahiya, Ps-Dariyapur, Distt- Saran At Chapra

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department Government Of Bihar, Patna
3. The District Magistrate, Saran at Chapra
4. The Deputy Development Commissioner, Saran at Chapra
5. The Block Development Officer, Dariyapur, Distt- Saran at Chapra
6. The Bihar State Food and Civil Supplies Corporation Limited through Managing Director, Dariyapur, Distt- Saran at Chapra
7. The Assistant Godown Manager, Dariyapur, Distt- Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K.MANGLAM, Adv
Ms. Aradhna Kamal, Adv
For the Respondent/s : Mr. R.S.Pradhan, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-07-2018

The present writ petition has been filed for quashing the letter dated 20.11.2009 issued under the signature of the respondent no. 5 and contained in his memo no. 1858 whereby and whereunder the petitioner has been directed for disposal of alleged 495 quintals of food grains of Sampuran Gramin Rojgar Yojna (SGRY) at the rate of Rs. 914/- per quintal in the open market and to deposit the sale proceeds with the Block Nazir, Dariyapur till 20.11.2009 and produce the receipt thereof in the office, failing which it has been directed that FIR will be



lodged against the petitioner.

2. Learned counsel for the petitioner submits that the two store issue orders bearing no. 1086 and 1088, both dated 22.12.2005 were issued to the petitioner for lifting 245 quintals and 250 quintals of SGRY rice respectively, but the entire quantity was not lifted by the petitioner. It is therefore submitted that the impugned letter dated 20.11.2009 has arbitrarily been issued requiring the petitioner to deposit the value of entire 495 quintals of SGRY rice after selling the same in the open market at Rs. 914/- per quintal totaling for Rs. 4,52,430/- to be deposited with the Block Nazir, Dariyapur.

3. Learned counsel for the respondent-State relies on the counter affidavit to submit that the petitioner had lifted 495 quintals of food grains and in any event, the liability for non-lifting of the full quantity of food grains allotted could not justify the petitioner deriving any benefit from his own default.

4. Having heard the parties and on consideration of the materials on record, this Court finds that the question whether the petitioner lifted the entire quantity of 495 quintals of SGRY rice pursuant to store issue order nos. 1086 and 1088 is not free from doubt. Ambiguous statements have been made by the petitioner in respect of the extent of the rice lifted and also by the respondent-State. In such circumstances, this Court is not inclined to pass any positive



order. This Court is of the view that the ends of justice will be met if the petitioner is granted liberty to approach the Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Dariyapur, District Saran at Chapra (Respondent No. 6) with a representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be disposed of expeditiously and in any event preferably within a period of 12 weeks from the date of receipt/production of a copy of this judgment after grant of opportunity of hearing to the petitioner in accordance with law. Such decision should be communicated to the District Magistrate, Saran at Chapra without delay.

5. It is made clear that until the matter is disposed of by the respondent no. 6, no coercive action shall be taken for recovery of the dues against the petitioner.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2018
Transmission Date	NA

