

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11786 of 2011**

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Raj Kumar Paswan S/O Chandeshwar Paswan, R/O Vill.- Vidyapur, P.S.-Ariari  
Distt.-Sheikhpura.

.... .... Petitioner

Versus

1. The State of Bihar.
2. The Deputy Development Commissioner Cum Chief Executive Officer, Zila Parishad, Sheikhpura, Distt. Sheikhpura.
3. The District Manager, Bihar State Food Corporation, Sheikhpura, Distt.-Sheikhpura.
4. The Sub Divisional Officer, Sub-Division- Sheikhpura, Distt.-Sheikhpura.
5. The Block Development Officer Block-Ariari, Distt.-Sheikhpura.
6. The Panchayat Secretary, Hussainabad P.S.-Karande Distt. Sheikhpura.
7. The Mukhiya, Hussainabad P.S.-Karande Distt. Sheikhpura.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mrs. Sushmita Mishra, Advocate.

For the Respondents : Mr. Amar Nath Deo, SC-26

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 05-10-2018**

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

2. The present writ petition has been filed for the  
following reliefs –

*“(i) For the issuance of a rule in the nature of certiorari  
for quashing the order dated 29.06.2011 passed by  
respondent no. 5, the Block Development Officer,  
Block- Ariari, District- Sheikhpura, whereby and  
whereunder the petitioner has been directed to deposit  
price of the balance rice at the rate of Rs. 878/- per  
quintal within 2 days of the receiving of the aforesaid*



*order which was allotted to the petitioner under S.G.R.Y.-I and II (hereinafter referred to as the Schemes) failing which F.I.R. would be lodged against him. .*

*(ii) For the issuance of a rule in the nature of writ of Mandamus commanding the respondent authorities to follow the conditions incorporated in the allotment order and not to realize price of the balance rice from the petitioner inasmuch as neither in the aforesaid scheme nor in the allotment orders there was a condition that for the remaining rice, any penalty or price would be charged from the dealers.*

3. Learned counsel for the petitioner states that pursuant to the orders of this Court, the Enquiry Commission headed by Hon'ble Mr. Justice Uday Sinha (Retired) has now submitted its report and any further action in relation to recovery of the value of undistributed rice under the SGRY Scheme would abide by the decision of the State Government to be taken on the basis of such report.

4. In the above view of the matter, learned counsel for the petitioner seeks permission to withdraw the present writ petition with liberty to approach this Court afresh as and when the occasion arises in future.

5. Having regard to the stand of the petitioner, the writ petition stands disposed of with the aforesaid liberty.



6. Let the authorities refrain from taking coercive measures against the petitioner until decision is taken by the State Government, as aforesaid.

**(Vikash Jain, J)**

Md. Ibrarul/-

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