

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.19889 of 2014

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1. Gajadhar Thakur Son of Late Ram Gulam Thakur, Resident of Village + P.O. Taiyopur, Panchat- Bhikhanpura, Block- Sahdei Buzurg, P.S. Desri, District- Vaishali, License No. 33/2007
2. Brij Nandan Rai, Son of Late Krishnadeo Rai, Resident of Village- Taiyabpur, Khusamna, Panchayat- Nayagoan West, Block- Sahdei Buzurg, Kisanpur, P.S. Desri, District- Vaishali
3. Sarvan Rai, Son of Khijan Rai, resident of village- Rampur Kichni, P.S. Desri, Distt.- Vaishali, License No. 16/2007
4. Rajendra singh, Son of Late Nunu Singh, Resident of Village- Murauwatpur, P.S. Desri, Distt.- Vaishali, License No. 62/2007
5. Ravindra Nath Thakur, Son of Sri Baidyanath Thakur, Resident of Village + P.O. Taiopur, Panchayat- Bhikhanpura, Block- Sahdei Buzurg, P.S. Desri, Distt.- Vaishali, License No. 32/2007
6. Baleshwar Rai, Son of Late Bhagwan Lal Rai, Resident of Village- Uffaraul, Block + P.S. Desri, Distt.- Vaishali, License No. 03/2007
7. Jai Kumar Rai, Son of Late Nagdeo Rai, Resident of Village- Uffaraul, Block + P.S. Desri, Distt.- Vaishali, License No. 01/2007
8. Yugeshwar Rai, Son of Late Ram Sundar Singh, Resident of Village- Uffaraul, Block + P.S. Desri, Distt.- Vaishali, License No. 02/2007
9. Manju Sinha Wife of Arbind Kumar, Resident of Village- Uffaraul, Block + P.S. Desri, Distt.- Vaishali, License No. 04/2000
10. Ram Janam Singh, son of Late Rajendra Singh, Panchayat- Rasutapur Habib, Block + P.S. Desri, Distt.- Vaishali, License No. 26/2007
11. Rajeshwar Rai, son of Late Ram Sahay Rai, Panchayat- Dharampur Ram Rai, Block + P.S. Desri, Distt.- Vaishali, License No. 14/2007
12. Gopal Rai, Son of Late Ramji Rai, Resident of Village- Lakhapur, P.S. Desri, Distt.- Vaishali, License No. 13/02

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Patna
3. The District Magistrate, Vaishali at Hazipur
4. The Sub-Divisional Officer, Hazipur
5. The Sub-Divisional Officer, Mahnar, District- Vaishali at Hazipur
6. The Block Development Officer, Desri, Vaishali at Hazipur
7. The Block Supply Officer, Desari, Vaishali at Hazipur
8. The District Godown Manager, Bihar State Food and Civil Supplies Corporation Ltd., Vaishali at Hazipur
9. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Vaishali at Hajipur.



.... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv  
For the Respondent/s : Mr. SC16- ABBAS HAIDER  
For the BSFC : Mr. Shailendra Kumar Singh, Adv  
Mr. Lalmani Sharma, Adv

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

**ORAL JUDGMENT**

**Date: 05-07-2018**

The present writ petition has been filed for refund of the respective amount of the petitioners, who are PDS dealers, deposited before the District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Vaishali at Hajipur for lifting of food grains.

2. Learned counsel for the petitioners submits that during the pendency of the writ petition the grievance of the petitioner nos. 2, 3, 4 and 6 to 9 have been redressed and as such, their cases need not be pursued.

3. Accordingly, the writ petition as against petitioner nos. 2, 3, 4 and 6 to 9 stands dismissed.

4. Learned counsel for the petitioner nos. 1 and 5 submits that they have deposited the money for lifting of food grains but neither the food grains were supplied nor the amount refunded.

5. Heard learned counsel for the State and learned counsel for the respondent BSFC.

6. Having regard to the nature of the grievance of the petitioner nos.1 and 5, this writ petition is disposed of, granting liberty to the petitioner nos. 1 and 5 to approach the District Manager, Bihar State Food & Civil Supplies Corporation, Vaishali at Hajipur, (Respondent No. 9) with a fresh representation for redressal of their grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the



extent found due to the petitioner nos. 1 and 5, within a period of six weeks from the date of receiving their representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner nos.1 and 5 to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner nos.1 and 5 claim is found inadmissible, whether in whole or in part, their representation shall be disposed of by a speaking order in that regard.

7. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner nos. 1 and 5.

**(Vikash Jain, J)**

Chandran/BT

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