

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1794 of 2015

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Sita Ram Choudhary S/O Late Mishri Lal Chaudhary, Resident of vill-Naharwar,
P.S-Mahishi, Distt.-Saharsa

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna through its Managing Director.
3. The Managing Director. Bihar State Food & Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd. Saharsa
5. The District Magistrate, Saharsa
6. The Deputy Development Commissioner, Saharsa
7. The Block Development Officer, Mahishi, Saharsa

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.
For the State : Mr. Rishi Raj Sinha, SC-19
Mr. Akhilesh Kumar Sinha, AC to SC-19
For the BSFC : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-08-2018

The present writ petition has been filed for setting aside the letter contained in Memo No. 810-2 dated 06.05.2013 issued from the level of respondent Block Development Officer to the petitioner fixing a liability of 176.44 quintals of paddy/rice amounting to Rs. 2,41,722.80 (Rupees two lakhs forty one thousand seven hundred twenty two and eighty paise only); and for connected reliefs.

2. Learned counsel for the petitioner submits that the



respondents have arbitrarily fixed a liability on the basis of 176.44 quintals of paddy/rice whereas the petitioner, a PDS dealer, has lifted only 100 quintals of rice under the Sampurna Gramin Rojgar Yojana. He invites reference to letter no. 1073 dated 20.11.2012 (Annexure-3) issued by the respondent-Corporation in which such clerical error is acknowledged. A representation for the purpose has been filed before the District Magistrate, Saharsa on 23.12.2014 which remains pending.

3. Learned counsel for the State as well as learned counsel for the respondent Corporation appear and have been heard.

4. From paragraph-7 of the counter affidavit filed on behalf of the respondent-State, it transpires that subsequently a letter no. 694 dated 07.09.2017 was issued by the District Manager, BSFC, Saharsa to the effect that the reference of Sampurna Gramin Yojana was incorrectly mentioned in the letter no. 1073 dated 20.11.2012 in place of the correct Jawahar Gram Samridhi Yojana (J.G.S.Y.).

5. Having regard to the nature of the grievance of the petitioner and the stand of the respondent State, I am of the view that the ends of justice will be met if the District Magistrate, Saharsa (respondent no. 5) is directed to consider and dispose of the petitioner's representation said to have been filed on 23.12.2014 (Annexure-5), if still pending, after grant of an opportunity of hearing to the petitioner as well as to the respondent Corporation in accordance



with law.

6. The interim protection granted in terms of order dated 23.06.2017 shall continue until disposal of the representation by the District Magistrate, Saharsa (respondent no. 5).

7. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.08.2018
Transmission Date	N.A.

