

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14698 of 2013

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Suleman Ali @ Md. Suleman S/O Late Md. Daud, resident of Village- Palacy,
P.O- Abadpur, P.S- Barsoi, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Deputy Development Commissioner Cum Chief Executive Officer, Zila Gramin Vikas Abhikaran, Katihar, District- Katihar.
3. Program Officer, Barsoi, Katihar.
4. The District Manager, Bihar State Food Corp. Katihar, District- Katihar.
5. The Sub Divisional Officer, Sub Division, Barsoi, District- Katihar.
6. The Block Development Officer, Sarsoi, Katihar.
7. The Executive Engineer Zila Parishad, Katihar, District- Katihar.
8. The Deputy Engineer, Zila Parishad, Katihar.
9. The Assistant Engineer, Zila Parishad, District- Katihar.

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Zaki Haider, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-10-2018

As none appeared on behalf of the petitioner, the matter was passed over for a few cases. However on repeat call, the petitioner was again not represented.

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

“(a) For issuance of a rule in the nature of writ of certiorari for quashing the order dated 27.05.2013 issued under memo no. 617 passed by respondent no. 2 the Deputy Development Commissioner cum Chief Executive Officer, Katihar whereby and whereunder petitioner directed to deposit Rs. 3,30,060/- for remaining food grains allotted under Government Scheme under Sampoorna Gramin Rojgar Yojna (hereinafter referred to as the “Scheme”)



from the year 2003-04 to 2004-05 failing which certificate proceeding shall be initiated for recovery of the alleged food grains without any show cause or opportunity of hearing.

(b) For issuance of a rule in the nature of writ of mandamus commanding the respondent authorities to follow the condition incorporated in the allotment orders and not to realize price of the remaining rice from the petitioner inasmuch as neither in the aforesaid Scheme nor in the allotment orders there was a condition that for remaining rice, any penalty price would be charge from the dealers.”

3. Learned counsel for the respondents appears and states that the Enquiry Commission headed by Hon’ble Mr. Justice Udai 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. Having regard to the stand of the respondents, the writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

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