

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

**Civil Writ Jurisdiction Case No.7868 of 2013**

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Mostt. Fula Devi W/O Late Sipahi Rai, Resident of Village- Kochwara, P.O-  
Arbind Nagar, P.S- Dariyapur, District- Saran At Chapra.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra., District- Saran at Chapra.
4. The Director, District Rural Development Agency, Saran at Chapra, District- Saran at Chapra.
5. The Deputy Development Commissioner, Saran at Chapra.
6. The Sub- Divisional Officer, Sonapur, District- Saran at Chapra.
7. The Block Development Officer, Dariyapur, District- Saran at Chapra.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent/s : Mr. Amaresh Kumar Sinha, AC to GA 1

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

ORAL JUDGMENT

**Date: 06-08-2018**

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

- (i) *For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent no. 7 to produce on record the letter dated 16.10.2012 and 18.03.2013 issued under the signature of the respondent no. 5 and contained in his memo no. 2790 dated 16.10.2012 and memo no. 458 dated 18.03.2013 directing the petitioner for*



*deposit of a sum of Rs. 1,25,423.50 paise against the undistributed stock of 91.55 quintal food grains under Sampoorn Gramin Rojgar Yojana Stream II of the year 2003-04 and on production the same may be quashed by issuance of an appropriate writ in the nature of certiorari on the ground that the husband of the petitioner was the licence holder of the Public Distribution System, who died on 16.06.2005 and after his death the petitioner is being asked for deposit of the amount though she has no knowledge about anything lifted by her late husband during the year 2003-04 and the distribution.*

*(ii) For issuance of an appropriate writ in the nature of certiorari for quashing the letter dated 25.03.2013 issued under the signature of the respondent no. 7 and contained in his letter no. 469 dated 25.03.2013 whereby and whereunder the petitioner has been directed for deposit of a sum of Rs. 1,25,423.50 paise with the Block Nazir within two days being the price of undistributed quantity of food grains allegedly lifted by her deceased husband during the financial year 2003-4.*

*(iii) For issuance of any other writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.*

2. None appears on behalf of the petitioner despite repeated calls.

3. From a perusal of the averment in the writ petition it



appears that the husband of the petitioner was a PDS Licence holder and is said to have lifted certain quantity of food grains under the SGRY Stream-II during financial year 2003-04, prior to death on 16.06.2005 consequent upon which the PDS licence was granted to his son Mr. Indal Rai in the year 2006 on compassionate ground. Notices were issued for recovery of the amount of Rs. 1,05,887.30 paise much after the death of the petitioner's husband, for recovery of the value of the food grains so lifted during his life time. The petitioner filed a representation dated 26.08.2011 in that regard.

4. Learned counsel for the respondents appears and submits that the petitioner was directed to deposit the recoverable amount of Rs. 1,25,423.50 in terms of order dated 07.04.2013 and again by letter dated 25.03.2014 (Annexure-A and B respectively of the counter affidavit).

5. Having regard to the facts and circumstances of the case, this Court is of the view that the letters dated 07.04.2013 and 25.03.2014 (Annexure A and B respectively of the counter affidavit) requiring payment by the petitioner does not appear to be proper without taking the petitioner's representation dated 26.08.2011 (Annexure-3) into consideration.

5. In the interest of justice, therefore, it is directed that no coercive steps shall be taken by the respondents with respect to the



amount sought to be recovered without first disposing of the petitioner’s representation dated 26.08.2011 after grant of an opportunity of hearing to the petitioner in accordance with law.

6. The writ petition stands disposed of as above.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
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