

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20722 of 2014

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Moharil Sharma Son of Late Chichai Sharma, Resident of Village:-
Aadiralpur, P.S. Bhargama, District- Araria.

.... Petitioner

Versus

1. The State of Bihar ,The Collector Araia.
2. The Zila Parishad Araria through its Deputy Development Commissioner -
cum- Chief Executive Officer , Zila parishad Araria
3. The Deputy Development Commissioner-cum- Chief Executive Officer, Zila
Parishad, Araria.
4. The Additional Chief Executive Officer, Zila Parishad , Araria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mrigendra Kumar, Advocate.
For the State : Mr. Ajay Kumar, AC to GP-4
For the Zila Parishad : Mr. Dinesh Maharaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 30-08-2018

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

- “(i) For issuance of an appropriate writ in quashing the
Memo No. 990/Z.P., Araria dated 28.08.2014 issued under
the signature of respondent no. 4 contained in Annexure-1.*
- (ii) For issuance of an appropriate writ in quashing the
Memo No. 1110/Z.P., Araria dated 29.09.2014 issued under
the signature of respondent no. 3 contained in Annexure-4.*
- (iii) For any other relief/reliefs for which the petitioner is
entitled under law as well as on facts.*

2. Learned counsel for the petitioner submits that the
respondents have arbitrarily raised the subject demand against the



petitioner without an appropriate opportunity of hearing in the matter. Moreover, the petitioner disputes having lifted 441 quintals of SGRY rice out of the total of 1057.60 quintals of SGRY rice allotted to him during the financial years 2003-04, 2004-05 and 2005-06.

3. Learned counsel for the respondents, on the other hand, opposes the writ petition submitting that the petitioner was duly granted an opportunity of hearing which is evident from the very fact that the petitioner submitted his representation dated 20.09.2014 (Annexure-3) disputing the fact of having lifted 441 quintals of SGRY rice. It is stated that the earlier demand for payment of an amount of Rs. 6,96,851/- against remaining 508.05 quintals of SGRY rice in terms of the impugned notice dated 28.08.2014, pursuant to the petitioner's representation, the demand has been revised in terms of the impugned letter dated 29.09.2014 whereby the petitioner has been required to deposit Rs. 82,681/- after credit of Rs. 10,000/- already deposited by him, against 67.65 quintals of SGRY rice relating to the financial year 2004-05 and 2005-06 which stands admitted by the petitioner in his representation.

4. Having heard the parties and on a consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The petitioner has duly filed his representation before the concerned authority on 20.09.2014 raising objection only with regard



to 441 quintals of SGRY rice relatable to the financial year 2003-04. Such representation has been considered and the demand has been revised and raised only for the admitted quantity of rice relatable to the financial years 2004-05 and 2005-06. The petitioner as stated above has duly filed his representation which has been considered and accepted. As such there is no violation of natural justice and the impugned order dated 29.09.2014 has been passed revising the demand accordingly.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.09.2018
Transmission Date	N.A.

