

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4449 of 2019

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Ram Rati Prasad Son of Late Munshi Mahto, Resident of Village Kamal
Bigha, P.S.- Ariari, District- Sheikhpura

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna
2. The District Magistrate cum Collector, Sheikhpura District Sheikhpura
3. The Deputy Development Officer cum Executive Officer Zila Parishad, Sheikhpura, District- Sheikhpura
4. The District Manager, Bihar State Food Corporation, Sheikhpura, District Sheikhpura
5. The Sub Divisional Officer, Sheikhpura, District Sheikhpura
6. The Block Development Officer, Ariari, District- Sheikhpura

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Devendra Prasad Singh, Advocate
For the State	:	Mr.Binay Kumar Pandey, AC to GA-2
For the BSFC	:	Mr.Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-10-2019 This is the second round of litigation in which the petitioner has attempted to create a dispute over the demand raised by the Block Development Officer, Ariari vide Annexure '5' to the writ application. In the earlier round of the proceeding the petitioner had moved this Court in C.W.J.C. No. 11972 of 2011 questioning the demand raised against the petitioner. The learned Writ Court at the relevant time did not quash the demand raised against the petitioner but only granted an interim protection on the petitioner depositing 20% of the value of the undistributed rice at the rate of Rs. 10/- per Kg. In Letters Patent



Appeal bearing L.P.A. No. 422 of 2012 the Hon'ble Division Bench of this Court modified the order of the learned Single Judge to the extent that the petitioner-appellant would pay 15% of the price of the undistributed rice calculated at rate Rs. 8 per Kg and such amount shall be deposited within two months from the said date.

It appears that pursuant to a direction issued by the learned Writ Court, Hon'ble Mr. Justice Uday Sinha Committee was constituted to go into the various aspects of the matter including quantum of actual loss sustained by the government, the terms and conditions of the allotment of rice to PDS dealers under SGRY for its distribution to the beneficiaries, the manner of allotment of rice to the PDS dealers, the payment of transportation/handling/storage charges to the PDS dealers and price of rice on which recovery had to be made.

For the purpose of present case it is the price of the rice which has been found to be recoverable by Hon'ble Mr. Justice Uday Sinha Committee is only relevant and it is not in dispute that the petitioner has been made liable only at the rate of Rs. 1370/- per quintal as has been fixed by Hon'ble Mr. Justice Uday Sinha Committee.

Learned counsel for the petitioner submits that before



fixing the rate this petitioner was not heard. In the opinion of this Court such argument is not open to be raised by the petitioner in the present writ application inasmuch as firstly the petitioner had unsuccessfully challenged the demand notice raised against him and had accepted the interim order of the Court by paying a part of the amount then ordered by Hon'ble Division Bench. The Hon'ble Uday Sinha Committee was constituted in the light of the order passed by this Court and it is not in dispute that vide Annexure '4' to the writ application the petitioner was called upon to submit his affidavit and reply, if any, together with all documents and the petitioner has made a categorical statement in the writ application that he had submitted his affidavit along with prescribed form. In the opinion of this Court it was a step towards compliance with the principles of natural justice and that has been fully complied with in the case of the petitioner. A perusal of the report of Hon'ble Mr. Justice Uday Sinha Committee would show that it has discussed the various aspects of the matter and then only the amount of Rs. 1370/- per quintal was found to be recoverable. In fact the quantam is not under challenge in the writ application and the report further shows that a large number of PDS dealers have made payment according to the rate fixed by the



Committee.

In the aforesaid view of the matter, this Court finds no reason to interfere with the impugned communication as contained in Annexure '5' to the writ application.

The writ application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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