

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5476 of 2019

=====

Md. Azhar Imam @ Azhar Imam S/o Late Abdul Ahad, Resident of Village-Charuanwan,P.S. Shekhopur, Sarai Dist.-Sheikhpura

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary,Department Food and Consumer,Bihar,Patna
2. The Principal Secretary, Department of Food and Consumer,Bihar,Patna
3. The District Magistrate, Sheikhpura
4. The Deputy Development Commissioner, Sheikhpura
5. The Sub-Divisional Officer, Sheikhpura
6. The Block Development Officer, Shekhopur Sarai,Dist.-Sheikhpura

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar, Advocate
For the Respondent/s	:	Mr. Anisul Haque, AC to AAG 5
		Mr. Alok Ranjan, AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2019 Learned counsel for the petitioner accepts that this case is similar to the issue decided in C.W.J.C. No. 4821 of 2019 and 4449 of 2019 and shall abide by the reasoning and rational provided in the orders disposing of those two writ applications. The operative part of the order as contained in C.W.J.C. No. 4449 of 2019 are being reproduced herein for a ready reference:

“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.”

In the present case also the petitioner is seeking quashing of the order issued by respondent no. '6' as contained in Letter No. 20 dated 04.01.2019 (Annexure '4') by which the petitioner has been directed to deposit Rs. 10,75,309/- in lieu of foodgrains delivered to the petitioner under “Total Rural Employment Scheme” within one week, failing which a certificate case will be lodged against the petitioner and further action shall follow.

Since no new plea has been taken by the petitioner in the present case, this writ application is being disposed of on the same reasoning and rational which have been provided in the aforesaid two writ applications.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

