

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8818 of 2019

1. Md. Yunus, aged about 69 years, Male, Son of Md. Gaffur, Resident of Village-Tiri, Police Station-saurbazar, District-Saharsa
2. Mahendra Jha, aged about 53 years, Male, Son of Late Dinanath Jha Resident of Village-Madhura, Police Station-Saurbazar, District-Saharsa.
3. Dharm Lal Yadav, aged about 67 years, Male, Son of Sri Basudeo Yadav Resident of Village-Khaira, Police Station-Saurbazar, District-Saharsa
4. Mahendra Yadav, aged about 63 years, Male, Son of Late Rasik Yadav Resident of Inkha, Police Station-Saur Bazar, District-Saharsa
5. Sada Nand Kumar, aged about 53 years, Male, Son of Lali Yadav, Resident of Village-Khajuri, Police Station-Saur Bazar, District-Saharsa
6. Tiro Paswan Son, aged about 51 years, Male, Son of Late Hukum Paswan Resident of Village Khajuri, Police Station-Saur Bazar, District-Saharsa
7. Bimal Kumar Yadav, aged about 63 years, Male, Son of Sri Janardan Yadav Resident of Village Dhamsaina, Police Station-Saur Bazar, District-Saharsa
8. Indra Narayan Sah, aged about 72 years, Male, Son of Late Sokhi Sah Resident of Village Kabra, Police Station-Saur Bazar, District-Saharsa
9. Chandeshwari Mehta, aged about 85 years, Male, Son of Late Dorik Mehta, Resident of Village Kathaia, Police Station-Saur Bazar, District-Saharsa
10. Vishnath Sah, aged about 69 years, Male, Son of Late Dahu Sah, Resident of Village Dachara, Police Station-Saur Bazar, District-Saharsa
11. Rajendra Prasad Yadav, aged about 61 years, Male, Son of Late Babu Lal Yadav, Resident of Village Chandaul East, Police Station-Saur Bazar, District-Saharsa
12. Md. Firoz Ansari, aged about 49 years, Male, Son of Late Azeer Chaudhary, Resident of Village Baijnathpur, Police Station-Saur Bazar, District-Saharsa

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department , Bihar, Patna
2. The District Rural Development Agency, Saharsa.
3. The Deputy Development Commissioner, Saharsa.
4. The Sub-Divisional Officer, Saharsa.
5. The Block Development Officer, Saur Bazar Block, Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioners and the learned counsel representing the State.

In view of the order proposed to be passed in this case, learned counsel for the State submits that no counter affidavit would be required.

The petitioner in this case is aggrieved by the communication as contained in letter no. 538-2 dated 01.03.2019 issued by the Block Development Officer, Saur Bazar as contained in Annexure '2' to the writ application whereby the petitioners have been called upon to deposit the balance amount of the foodgrains within a period of one week through a bank draft in the name of Deputy Development Commissioner, Saharsa, failing which action towards registration of the certificate proceeding shall be taken.

Learned counsel for the State submits that having received the letter as contained in Annexure '2', the petitioners have rushed to this Court without approaching the concerned authority such as the Block Development Officer or Deputy Development Commissioner, Saharsa to consider their case as to why the remaining amount could not be deposited by the petitioners.

Mr. Mukesh Kumar, learned counsel representing the



petitioners has referred a number of materials enclosed with the writ application including the earlier round of adjudication and orders of this Court to submit that in fact their cases were not subject matter of consideration before the Hon'ble Mr. Justice Uday Sinha Committee. He has also submitted that they have deposited 50% of the amount earlier in terms of the Judicial order.

Be that as it may, this court is of the considered opinion that on receipt of Annexure '2' to the writ application, it was open for the petitioners to submit their representation before the Deputy Development Commissioner, Saharsa or the Block Development Officer, Sour Bazar for consideration thereof. The petitioners are permitted to file his representation before the Block Development Officer, Sour Bazar/ Deputy Development Officer, Saharsa as the case may be within a period of 30 days from today, bring all such materials on which they want to rely to the notice of those authorities. On submission of the representation with all those documents, the authority concerned shall consider the same and will take an appropriate view thereon before lodging the certificate proceeding against the petitioners.

The decision so taken shall also be communicated to



the petitioners for their knowledge and in case they feel aggrieved by that, it will be open for them to pursue their remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

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