

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22402 of 2019

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Pinki Kumari Wife of Sudhir Kumar Resident of Village- Diha, Ward no.2,
P.O.- Sadpur, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. Secretary Rural Development Department, Bihar, Patna.
3. District Magistrate Begusarai.
4. Sub- Divisional Magistrate Ballia, District- Begusarai.
5. Deputy Development Commissioner cum Chief Executive Officer District Rural Development Agency, Begusarai.
6. Block Development Officer Sahebpur Kamal Block, Begusarai.
7. Block Agriculture Officer Sahabpur Kamal Block, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad, Advocate
For the Respondent/s : Mr. Anisul Haque AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-11-2019 Petitioner, in the present case, is seeking a writ in the nature of a writ of *certiorari* to quash the order passed by the Secretary, Rural Development Department, Bihar, Patna vide Memo No. 408662 dated 28.01.2019 and the other consequential orders issued by the Deputy Development Commissioner-cum-Chief Executive Officer, Rural Development Agency, Begusarai and the Block Development Officer, Sahebpur Kamal Block, Begusarai.

By the impugned order the petitioner has been directed to deposit the price of undelivered rice under Sampurna



Gramin Rojgar Yojana (S.G.R.Y.) at the rate of Rs. 1370/- per quintal.

It appears that the impugned orders have been issued in the light of the report submitted by Hon'ble Mr. Justice Uday Sinha Judicial Enquiry Committee.

Petitioner in the present case admits in paragraph '4' of the writ application that in the year 2007-08 there were at least 99.61 quintals of rice which were left undistributed in his stock. It is his case that he had approached the authorities of the State to grant him permit to distribute the left over rice but his request went unheard and the rice got damaged over the period after being rendered unused for a long time.

Recently this court had occasion to consider similar issues in CWJC No. 4821/2019, CWJC No. 4449/2019 and CWJC No. 5476/2019. The operative part of the order as contained in CWJC No. 4449/2019 are being reproduced hereinbelow 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 submissions of learned counsel for the petitioner is identical to those of the aforesaid



writ applications. This court does not find any reason to interfere with the impugned orders.

The writ application is being disposed off following the same reasoning and rationale as have been provided in the orders passed by this court in CWJC No. 4449/2019.

(Rajeev Ranjan Prasad, J)

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