

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.228 of 2020

In

Civil Writ Jurisdiction Case No.5504 of 2019

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Qamru Zama, Son of Late Abdul Hannan, Resident of Village – Maninda,
P.S.- Sheikhpura, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar through The Secretary, Rural Development Department, Bihar, Patna.
2. The Secretary, Rural Development Department, Bihar, Patna.
3. The Deputy Development Commissioner, Sheikhpura.
4. The Block Development Officer, Block- Sheikhpura, District- Sheikhpura.
5. The Certificate Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms. Sushmita Mishra, Advocate Mr. Rakesh Kumar Pandey, Advocate Mr. Surya Narayan Sah, Advocate
For the Respondent/s	:	Mr. Anjani Kumar (AAG-4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 09-09-2021

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated 08.11.2019 passed in C.W.J.C. No. 5504 of 2019 passed by learned Single Judge of this Hon'ble Court, appellant has preferred this L.P.A.

Appellant/petitioner had filed the writ petition for

quashing the notice-cum-order dated 12.01.2019 issued by Block Development Officer, Sheikhpura by which appellant was directed to deposit Rs. 3,77,941.90/- for the undelivered rice weighing 275.77 Kilogram of Sampoorna Gramin Rozgar Yojana at the rate of Rs. 1370/- per quintal within one week otherwise FIR would be lodged against the appellant/petitioner.

It was submitted on behalf of appellant that a certificate case being Certificate Case No. 25 of 2011-12 has already been filed for realization of the amount, as such, present notice for recovery of said amount by threatening to lodge the FIR is unwarranted and uncalled for.

Under S.G.R.Y. Scheme sponsored by the Central Government in 2001 rice were provided to several PDS dealers for the distribution among the beneficiaries and subsequently the scheme was closed yet complete stock of rice could not be distributed among the beneficiaries and unutilized rice/grains were left with the P.D.S. dealers, for which action was taken by the government for realization of price of residual rice, which led to several litigation and ultimately on direction of this Court, a Enquiry 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 allotment of rice

to P.D.S. dealers under S.G.R.Y. Scheme and for its distribution to the beneficiaries, the manner of allotment of rice to P.D.S. dealers, the payment of transportation/handling/storage/charges to the P.D.S. dealers and price of rice, on which recovery was to be made.

The committee (Uday Sinha Committee) submitted its report dated 06.06.2018 to the government and on basis of said report, demand notice as contained in Annexure-1 was issued to the appellant, against which appellant had moved this Court in its writ jurisdiction and after hearing both the parties, the learned Single Judge dismissed the writ petition, against which present L.P.A. has been filed.

The learned Single Judge has held that appellant has neither challenged the volume of rice due against him nor the price which is to be recovered from him and he had questioned the threatening given to him with respect to lodging of FIR if the due amount is not paid within seven days. The liability of payment has arisen after the submission of committee report which has determined the amount which is recoverable to the government after granting opportunities to the P.D.S. dealers and said amount (Annexure-1) is not disputed and appellant is liable to pay it to the government. A wrong act committed by

any person can give rise to civil wrong as well as criminal wrong and he can be proceeded against civil liability as well as criminal liability arising out of same transaction.

The learned Single Judge has rightly held that issue of threatening to lodge FIR cannot be gone in present proceeding.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

The LPA is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA