

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13508 of 2015

1. Vidya Sagar Bhagat and Ors Son of Late Ramayan Bhagat, resident of Village Majhawalia, P.S Asaon, District Siwan.
2. Raghunath Bhagat Son of Late Ramsinghasa Bhagat, resident of Village Majhawalia, P.S Asaon, District Siwan.
3. Brajraj Yadav Son of Sri Gulab Yadav resident of Village Lohgajar, P.S Asaon, District Siwan.
4. Moti Lal Prasad Son of Late Thakur Roy, resident of Village Sipaya Khas, P.S Bishambharpur District Gopalganj.
5. Shambhu Ram Son of Rajdeo Ram, resident of Village Tiwary Mathia, P.S Bishambharpur District Gopalganj.
6. Tilak Roy Son of Girgit Roy, resident of Village Rupchhap, P.S Bishambharpur District Gopalganj.
7. Braj Mohan Pandey Son of Late Kirti Pandey, resident of Village Tiwary Mathia, P.S Bishambharpur, District Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Agricultural Department, Government of Bihar, Patna.
3. The Director Agriculture Department, New Secretariat Government of Bihar, Patna Dist- Patna.
4. The Deputy Director Agriculture Department, Government of Bihar, Patna.
5. The Joint Director, Agriculture, Saran Division at Chapra.
6. The District Agriculture Officer, Siwan, District- Siwan.
7. The Sub Divisional Agriculture Officer, Siwan, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.
For the State : Mr. Nalin Vilochan Tiwary, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-12-2022 1. The petitioner by way of this writ petition has prayed to quash and set aside the order issued by the Joint Director, dated 15.04.2015 whereby, petitioner has been asked



to deposit the deficit amount in six equal installments in the Government Revenue Receipt on grant of none achieving of the target of production of paddy seed crops.

2. Learned counsel for the petitioner submits that such an action could not have been taken and the same is illegal and unjustified.

3. It is submitted that achieving of targets cannot be a mandatory provision to make recoveries. Learned counsel relies on a Judgment passed by Coordinate Bench of this Court in **C.W.J.C. No. 8559 of 2014** decided on 11.12.2014.

4. Learned counsel appearing for the State submits that although, targets can be laid down however, considering the law laid down by this Court (*supra*), he does not object to the proposition as pointed out by the learned counsel for the petitioner.

5. Considering the *ad idem* position (*supra*), it would be apposite to quote the view held by the Coordinate Bench as under:

‘This Court feels as because the target was not achieved which was not completely under the human control being depends on many natural factors and loss of production cannot be saddled with the load of deficit production of the grain upon



the petitioner. The action of the respondent cannot be approved in any manner for not achieving the target of production of grain, for that, the petitioner has been asked to pay the amount is completely illegal and as such direction for depositing money under this heading is set aside.'

6. In the present case the action of the respondent, therefore, in making recovery of the amount which is the difference between the target and the actual production is found to be unjustified. A general decision of their casual/careless response passed on the petitioner cannot be accepted, especially when there has been production.

7. Keeping in view thereto, the order dated 15.04.2015 is quashed and set aside. If any recovery already being made, the same shall be restored to the petitioner within one month.

8. No cost.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 37

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