

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10726 of 2013

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Ram Bilas Paswan Son Of Sri Parikshan Paswan Resident Of Village-
Gambhariya, P.O. Jamuna, P.S. Dhaka, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General, Bihar, Patna
3. The Principle Secretary, Ministry Of Supply Government Of Bihar, Patna
4. The District Magistrate, District East Champaran
5. The Sub-Divisional Officer, Sikrahana Dhaka, East Champaran
6. The Certificate Officer, East Champaran At Motihari
7. The Block Development Officer, Dhaka, East Champaran
8. The Supply Officer, Block Development Office Dhaka, East Champaran
9. The Mukhiya, Gram Panchayat Raj Malkaunia Under Block Office Dhaka,
District East Champaran
10. The Panchayat Secretary Gram Panchayat Raj Malkaunia Under Block
Office Dhaka, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal, Sr. Advocate Anil Kumar Ms. Diksha Kumari
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC 16

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 16-04-2024**

The petitioner has filed the present writ
application for the following reliefs:

- i) For issuance of a writ in the
nature of Certiorari to quash Memo No.30
dated 15.2.13 issued under signature of Sub
Divisional Officer, Sikrahana at Dhaka under
district East Champaran as contained in



annexure (6) to this writ petition whereby and where under the respondent Sub-Divisional Officer has directed to deposit rest amount as per direction to Circle Officer as to deposit Rs. 1,77,495/- of the Price of grains of "Samagra Gramin Rojgar Yojna" scheme as well as to quash the entire proceeding of certificate Case No.8 Khadan/11-12 instituted for the recovery of aforesaid amount.

ii) For issuance of a writ in the nature of Mandamus directing and commanding the respondents to not realize price of the grain which has already been rotten due to long duration as per the direction given by this Hon'ble Court in a similar matter i.e. C.W.J.C. No.13676/09 (Yamuna nayak @ Jamuna Nayak V/S The State of Bihar & ors) reported in P.L.J.R. 2012 (1) Page-168.

iii) For issuance of an appropriate writ directing and commanding the respondents to stay the impugned order as contained in annexure (6) to this writ petition till final adjudication of the present writ application.

iv) For issuance of a writ in the nature of certiorari to quash the departmental report based on audit report of A.G. Bihar by which the price of the grain has been fixed Rs.1370/- per quintal of rest rice, which is not available to the petitioner and as stated in Para



8 of the impugned order contained in annexure-6 to this writ petition.

v) To grant any other relief/reliefs for which the petitioner is found entitled to the facts and circumstances of the case.

2. At the outset learned senior counsel for the petitioner contended that these matters are squarely covered under the order dated 04.11.2011 passed by this Hon'ble Court in the case of **Yamuna Nayak@ Jamuna Nayak Versus The State of Bihar & ors (C.W.J.C. No. 13676 of 2009)** reported in **(2012) 1 PLJR 168**.

4. Heard the learned counsel for the petitioner as well as the respondents.

5. The petitioner had earlier filed writ application bearing CWJC No. 16286 of 2011, which has been disposed of vide order dated 24.10.2011 (Annexure-3) with observation that "Representation, filed by the petitioners in respect of their grievances within six weeks, would be disposed of by the respondents within further eight weeks."

6. As per the direction passed in CWJC No. 16286 of 2011 dated 24.10.2011, the petitioner has filed an application before the Deputy Development Commissioner,



East Champaran at Motihari on 5.12.2011. It is also submitted that on 3.10.2012, the petitioner has also filed a representation annexing the photocopy of the order dated 4.11.2011 passed in CWJC No. 13676 of 2009.

7. The Respondent no. 5, Sub Divisional Officer, Sikrahana at Dhaka, vide memo No. 30 dated 15.2.2013 has passed the order with direction to deposit the amount as per order of the B.D.O.

8. It is also submitted that the petitioner got a notice of Certificate Case on 5.9.2011 issued by the Certificate Officer in Certificate Case 8 Khadanya/11-12 dated 5.8.2011 by which the petitioner has been intimated to deposit amount of Rs. 1,77,495/-

9. In view of the fact that this matter is squarely covered by the aforesaid judgment, I am of the considered opinion that in such circumstances the notice to the dealers to sell the rice and deposit the money with the Block Development Officer and that too at the current market rate is unreasonable and unfair. The carelessness, if at all, appears to be on the part of the Rural Development Authorities, as they have not explained or discharged the duties which were assigned to them by the Central Government.



10. Accordingly, the entire proceeding of Certificate Case No. 8 Khadan/11-12 as well as the order contained in Memo No. 30 dated 15.2.2013 (Annexure-6) passed by Respondent no. 5 , the Sub Divisional Officer, Sikrahana Dhaka, East Champaran are hereby quashed.

11. The matter may be examined by the respondent Principal Secretary of the Department for fixing the responsibility to the persons entrusted with the scheme.,

12. With the aforesaid observations, this writ petition stands disposed of in light of the judgment passed in **Yamuna Nayak (supra).**

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2024
Transmission Date	

