

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11590 of 2013

Masroof Alam Son Of Late Abdul Hafiz Resident Of Village Mahuawa, 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 Gurhanwa Under Block Office Dhaka, District East Champaran
10. The Panchayat Secretary Gram Panchayat Raj Gurhanwa Under Block Office Dhaka, District - East Champ

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal, Sr. Advocate Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Birendra Prasad Singh, AC to SC 19

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

Learned counsel for the petitioner seeks permission to make necessary corrections in the first paragraph of the writ petition.

2. Learned counsel for the petitioner is permitted to make necessary corrections in the first paragraph of the writ petition. Accordingly in place of “Rs. 1,77,495” be read as “Rs. 1,45,607” and in place of Certificate Case No. 8



Khadan/11-12 17.10.2022 be read as certificate Case No. 6
Khadan/11-12.

3. 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
Champanan as contained in annexure (8) 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. 1,45,607/- of the Price of
grains of "Samagra Gramin Rojgar Yojna" scheme
as well as to quash the entire proceeding of
certificate Case No. 6 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)
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iii) For issuance of an appropriate
writ directing and commanding the respondents to
stay the impugned order as contained in annexure
(8) 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-8 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. 15814 of 2011, which had been disposed of vide order dated 03.11.2011 (Annexure-4) with observation that “ In the meantime, no coercive steps would be taken against the petitioner. The petitioner should file his



representation within six weeks, which would be disposed of by Respondent No. 2 within further ten weeks.”

6. As per the direction passed in CWJC No. 15814 of 2011 dated 03.11.2011, the petitioner has filed an application before the Deputy Development Commissioner, East Champaran at Motihari on 9.12.2011. It is also submitted that on 3.10.2012, the petitioner 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 6 Khadanya/11-12 dated 5.8.2011 by which the petitioner has been intimated to deposit Rs. 1,45,607/-

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. 6 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	

