

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11581 of 2018

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Shivpujan Prasad Kashyap @ Shiv Pujan Kashyap S/o Late Thakur Sah R/o
Village, Hata, Block P.S.- Chainpur, District- Kaimur Bhabhua

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Gramin Vikash of Bihar Sarkar, Patna
3. The Secretary Bihar Food and Civil Supplies Department, Bihar, Patna
4. The Collector, District- Kaimur at Bhabhua
5. The Sub-Divisional Officer, Bhabhua, Kaimur
6. The District Manger, Bihar State Food and Civil Suppplies Corporation Limited, Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Nandan Sahay, Advocate
For the State	:	M/s S. Raza Ahmad-AAG 5
		Bijoy Kumar Sinha, Advocate
For the BSFC	:	Dr. Kislay, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 25-07-2025

1. The petitioner has filed the instant application for the following relief:

“For issuance of appropriate writ/
writs direction/ directions directing the
authorities concern to refund the
amount of Rs. 1,37,000/- (One Lac
Thirty Seven Thousand) to the petitioner
to which he paid in compliance of the
notice contained in annexure-3 though



there was no due at all with him, just to avoid the cancellation of his Dealership and further for a relief as it deemed fit and proper under the circumstances of the case.”

2. The brief facts culled out of the present case is that the the petitioner has been a licensed Public Distribution System (PDS) dealer since 1986, under Licence No. 1/1986, Registration No. 61/07. It is submitted that in the financial year 2003-04, the petitioner received 100 quintals of rice, under the Sampoorna Gramin Rojgar Yojna (SGRY) through Stock Issue Order dated 05.11.2003, issued by the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., and the said rice was lifted by the petitioner on 20.01.2004. It is further submitted that under the Sunischit Rojgar Guarantee Yojna (SRGY), the petitioner maintained a stock balance of 1.46 quintals, which was duly recorded and acknowledged by the authorities.



3. The Learned counsel for the petitioner submitted that on 10.06.2004, one Junior Engineer, Shri Lalan Prasad, received 100 quintals of rice from the petitioner, for the renovation work of a pond (Khaira Dih) and for the creation of a canal under the said scheme in Block Chainpur. This transaction was duly documented and verified in the audit/stock register dated 10.07.2011. The petitioner had effectively accounted for a total of 101.46 quintals of rice for the year 2003-04.

4. It is further submitted by the Learned counsel for the petitioner that on 06.04.2015, the petitioner received a notice vide Memo No. 41, Supply dated 06.04.20104 from the Block Supply Office, Chainpur, directing him to deposit Rs.1,37,000/ for the alleged value of 101.46 quintals of rice—within three days, failing which his dealership would be cancelled. In response to it, the petitioner submitted a detailed representation on 10.04.2015, clarifying that no quantity of rice was pending with him. Upon receiving the representation, the Block Supply



Officer verified the matter and confirmed in writing to the Sub-Divisional Officer (SDO), Bhabua vide Letter No. 49 dated 13.04.2015 was no rice was pending with the petitioner.

5. The Learned counsel for the petitioner further submitted that despite of no fault of the petitioner deposited Rs.1,37,000/- in the treasury on 16.04.2015 as the cost of 101.46 quintals of rice under threat of cancellation of his dealership. It is further submitted that the said deposit was made under duress and without any legal liability, since the rice in question had already been delivered/utilized under government schemes and the utilization had been properly verified by the competent authorities.

6. The Learned counsel for the petitioner further submitted that the petitioner has been pursuing for the refund of the said amount for over three years. However, no action has been taken by the concerned authorities till date. Hence this Writ petition.

7. The respondents have filed a



detailed counter affidavit denying the petitioner's claim for refund of Rs.1,37,000/-, which the petitioner alleges to have deposited under threat and compulsion pursuant to the notice (Annexure-3). The respondents submit that the petition is not maintainable in law and is liable to be dismissed outright, as the amount cannot be refundable to the petitioner under any circumstances.

8. The Learned counsel for the respondents submitted that it is an admitted fact that the petitioner received 100 quintals of rice on 20.01.2004 under the first scheme along with additional rice under the second scheme. The amount of Rs.1,37,000/- was deposited by the petitioner after issuance of Notice vide Memo No. 41/Supply dated 06.04.2015, that too after an inordinate delay.

9. It is further submitted that the petitioner's claim that stock of 101.46 quintals of rice was maintained with the knowledge and approval of the authorities is false and concocted.



No official order or document is annexed by the petitioner to substantiate such claim. There is no proof regarding the supply or receipt of the rice in question. It is further submitted that the claim that Junior Engineer Sri Lalan Prasad verified the stock and signed distribution registers is factually incorrect. The respondents assert that the said Junior Engineer did not verify any stock registers or distribution documents related to the rice. Contrary to it, it was alleged that the petitioner never distributed the rice under the scheme to intended beneficiaries and has allegedly misappropriated the stock, for which notice was issued demanding to deposit to Rs.1,37,000/- by the Block Supply Officer, Chainpur, which was justified and lawful.

10. It is further submitted by the Learned counsel for the petitioner that the petitioner has failed to place on record any reply or representation purportedly submitted in response to the notice, and that no such document is available on record. There is also no verification report or any written communication from the



Block Supply Officer stating that no rice was due from the petitioner. The petitioner's assertions to the contrary are baseless and unsubstantiated. In view of the above, the Learned counsel for the respondents contended that the writ petition lacks merit and deserves to be dismissed.

11. A rejoinder to the counter affidavit was filed by the petitioner, wherein the petitioner has reiterated the averments and contentions made in the writ petition.

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

13. It is an admitted fact that the petitioner deposited the amount of Rs. 1,37,000/- after receiving the demand notice. There is no proof of evidence placed by the petitioner that the petitioner deposited the amount due to threat or compulsion. Furthermore, the report of the Junior Engineer was not the part of the record to substantiate the contention of the petitioner.

14. In view of the above discussion,



and upon perusal of the pleadings and the reliefs sought in the Writ petition, this Court is of the considered opinion that the writ petition is devoid of merits and does not warrant any interference.

15. Accordingly, the writ petition is dismissed as devoid of merits.

16. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2025
Transmission Date	

