

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17560 of 2019

1. Bindeshwari Yadav Son of Late Mahim Lal Yadav Resident of Village- Bhagwanpur, Ward No.1, P.S.- Saur Bazar, District- Saharsa.
2. Hira Lal Sah Son of Late Parmeshwari Sah Resident of Village- Silath, Ward No.16, P.S.- Saur Bazar, District- Saharsa.
3. Chandra Kishore Singh Son of Late Yugal Kishore Singh Resident of Village- Jibachpur, P.S.- Saur Bazar, District- Saharsa.
4. Sahdeo Paswan Son of Late Yogi Paswan Resident of Village- Suar Bazar, Ward No.7, P.S.- Saur Bazar, District- Saharsa.
5. Rakesh Kumar Son of Late Devchandra Ram Resident of Village- Ajgawa, Ward No.6, P.S.- Saur Bazar, District- Saharsa.
6. Nawal Kishore Yadav Son of Late Rekha Yadav Resident of Village- Maheshpur, P.S.- Saur Bazar, District- Saharsa.
7. Sushil Kumar Son of Late Jagdish Yadav Resident of Village- Duhbi, Sahuriya Purvi, Ward No.11, P.S.- Saur Bazar, District- Saharsa.
8. Dev Narayan Son of Late Jagdish Yadav Resident of Village- Sahuriya Puri, Ward No.15, P.S.- Saur Bazar, District- Saharsa.

... .. petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The District Rural Development Agency Saharsa.
3. The Deputy Development Commissioner Saharsa.
4. The Sub- Divisional Officer Saharsa.
5. The Block Development Officer Saur Bazar Block, Saharsa.

... .. Respondent/s

Appearance :

For the petitioners/s	:	Mr. Mukesh Kumar
For the Respondent/s	:	Mr. Anjani Kumar, AAG 4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-07-2026

1. The petitioners have filed the instant application for the following reliefs:

“(i) For quashing the letter



no. 283-2 dated 22/02/2019 issued by the Deputy Development Commissioner, Saharsa addressed to all the Block Development Officer, Saur Bazar Block, Saharsa district whereby and where under the instruction has been issued to recover the amount of rice under the SGRY scheme at the rate of 1370 per quintal, file a certificate case and initiate the process of the recovery per month and complete it within six months.

(ii) For quashing the consequential letter bearing no. 538-2 dated 01/03/2019 issued by the Block Development Officer, Saur Bazar Block, Saharsa whereby all the PDS dealers of Saur Bazar Block has been directed to deposit the remaining amount by band draft as mentioned in column-8 of the chart in the name of Deputy Development Commissioner, Saharsa within a week failing which a certificate case shall be initiated against them.

(iii) For quashing the letter no. 736-2 dated 03/07/2019 issued by the Deputy Development Commissioner, Saharsa to all the Block Development Officers of Saharsa District to initiate the process of recovery of amount from the



dealers and submit a report forthwith.

iv) For quashing the consequential letter bearing no. 1399-3 dated 10/07/2019 issued by the Block Development Officer, Saur Bazar Block, Saharsa along with dealer wise chart showing the amount to be recovered from the dealers.

(v) For restraining the respondents from taking any coercive steps against the petitioners during the pendency of the present writ application.

(vi) For any other relief the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

2. At the very outset, the Learned counsel appearing on behalf of the parties submit that the issue involved in the present writ petition is no longer *res integra*. It is contended that the issue stands squarely covered by the order dated 27.07.2019 passed by a Coordinate Bench of this Court in **C.W.J.C. No. 455 of 2020 (Md. Yunus & Ors. Vs. The State of Bihar & Ors)**, wherein an



identical issue was considered and adjudicated. The Learned counsel for the parties, therefore, submit that in view of the aforesaid judgment, the present writ petition may also be disposed of, in terms of the order dated 27.07.2019.

3. In **Md. Yunus** (supra) this Court has held as follows:

“Heard learned counsel for the petitioners and the learned counsel representing the State.

In view of the order proposed to be passed in this case, learned counsel for the State submits that no counter affidavit would be required.

The petitioner in this case is aggrieved by the communication as contained in letter no. 538-2 dated 01.03.2019 issued by the Block Development Officer, Saur Bazar as contained in Annexure ‘2’ to the writ application whereby the petitioners have been called upon to deposit the balance amount of the food grains within a period of one week through a bank draft in the name of Deputy Development Commissioner, Saharsa, failing which action towards registration of the



certificate proceeding shall be taken.

Learned counsel for the State submits that having received the letter as contained in Annexure '2', the petitioners have rushed to this Court without approaching the concerned authority such as the Block Development Officer or Deputy Development Commissioner, Saharsa to consider their case as to why the remaining amount could not be deposited by the petitioners.

Mr. Mukesh Kumar, learned counsel representing the petitioners has referred a number of materials enclosed with the writ application including the earlier round of adjudication and orders of this Court to submit that in fact their cases were not subject matter of consideration before the Hon'ble Mr. Justice Uday Sinha Committee. He has also submitted that they have deposited 50% of the amount earlier in terms of the Judicial order.

Be that as it may, this court is of the considered opinion that on receipt of Annexure '2' to the writ application, it was open for the petitioners to submit their representation before the Deputy Development Commissioner, Saharsa or



the Block Development Officer, Sour Bazar for consideration thereof. The petitioners are permitted to file his representation before the Block Development Officer, Sour Bazar/ Deputy Development Officer, Saharsa as the case may be within a period of 30 days from today, bring all such materials on which they want to rely to the notice of those authorities. On submission of the representation with all those documents, the authority concerned shall consider the same and will take an appropriate view thereon before lodging the certificate proceeding against the petitioners. The decision so taken shall also be communicated to the petitioners for their knowledge and in case they feel aggrieved by that, it will be open for them to pursue their remedy in accordance with law.”

4. Having regard to the submissions made by the parties, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **Md. Yunus** (supra).

5. Interlocutory Application, if any, shall



stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2026
Transmission Date	

