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Rajiv Kumar Poddar and anr Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-24-2012

Appellant : Rajiv Kumar Poddar and anr

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Letters Patent Appeal No.58 of 2012 In Civil Writ Jurisdiction Case No. 7437 of 2011 With Interlocutory Application No. 501 of 2012 In Letters Patent Appeal No. 58 of 2012 ========== 1. Rajiv Kumar Poddar S/O Late Mritunjay Prasad R/O Village- Chakla Maula Nagar, Police Station- Falka, District- Katihar 2. Pramod Kumar Pranav S/O Shri Sitaram Prasad R/O Village- Bisnichak- Chandpur, Police Station- Falka, District- Katihar .... Petitioners/Appellants Versus 1. The State of Bihar 2. The District Magistrate, Katihar 3. The Deputy Development Commissioner, Katihar 4. The Project Officer, Sameli, Katihar 5. The Sub-Divisional Magistrate, Katihar 6. The Block Development Officer, Sameli, Katihar .... Respondents/Respondents ==========

Appearance : For the Appellant/s : Mr. Brij Kishor Mishra Mr. B.K.Mishra Mr. S.N.Ravi, Advocates. For the Respondents-State: Mr. Manoj Kumar, A.C. to S.C.

6. ==========

CORAM: HONOURABLE THE CHIEF JUSTICE and HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL ORDER (Per: HONOURABLE

THE CHIEF JUSTICE

24. 01-2012 The defects are removed. Learned Advocate Mr. B.N.Mishra has appeared for the appellants. He states that the respondent nos. 7 to 10 were the writ petitioners and are formal parties in this Appeal. No relief is claimed against the respondent nos. 7 to 10 nor any relief granted in this Appeal shall adversely affect the respondent nos. 7 to 10. He, therefore, seeks leave to delete the names of the respondent nos. 7 to 10 from the cause title of the Appeal and the Application. 2 Patna High Court LPA No.58 of 2012 (2) dt.24-01-2012 2/3 On the facts and in the circumstances of the case, leave is granted. Names of the respondent nos. 7 to 10 be deleted from the cause title of the Appeal and the Application. Necessary correction in the cause title of the Appeal and the Application will be made within one week from today. Re. Interlocutory Application No. 501 of 2012: The delay of 96 days occurred in filing the Letters Patent Appeal is condoned. Interlocutory application stands disposed of. Re. Letters Patent Appeal No. 58 of 2012: Feeling aggrieved by the common judgment and order dated 17th August 2011 made by the learned single Judge insofar as C.W.J.C. No. 7437 of 2011 has been disposed of with direction to the writ petitioners to deposit 20% of the value of undistributed rice at Rs. 10/- per Kg, the petitioners nos. 1 and 4 have preferred this Appeal under Clause 10 of the Letters Patent. The matter at dispute is recovery of the value of undistributed rice supplied under the Sampurna Gramin Rojgar Yojana Scheme during the year 2002 to 2006 at the rate of Rs.13.10/- per Kg. The learned single Judge has set aside the demand made by the State Government for violation of the principles of natural justice. The learned single Judge has directed that the demand letter be treated as show cause notice and be decided after hearing the appellants. In the meanwhile the appellants have been directed to deposit 20 % value of the undistributed rice @ Rs.10/- per kilo gram. On the facts and in the circumstances of the case, the 3 Patna High Court LPA No.58 of 2012 (2) dt.24-01-2012 3/3 Appeal is partially allowed. The impugned order is modified to the extent that, without prejudice to the rights and contentions raised in the writ petition, the appellants will deposit 15% of the value of the undistributed rice @ Rs.10/- per kg. within six weeks from today. The appellants will file reply to the show cause notice, if not already filed, within six weeks from today. The matter will be decided by the Deputy Development

Commissioner/Competent Authority within two months from the date the appellants make the deposit and file the reply as directed hereinabove. The impugned order made by the learned single Judge stands modified to the above extent. (R.M. Doshit, CJ) (Birendra Prasad Verma, J.) Sujit/-

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