

Dhaneshwar Ram Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-12-2012

Appellant : Dhaneshwar Ram

Respondent : The State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.136 of 2012

===== 1.
Dhaneshwar Ram Son Of Late Ram Swarup Ram Resident Of Village - Dariyapur,
P.O. - Hanspur, P.S.- Nayagaun, District - Begusarai Petitioner/s Versus 1.
The State Of Bihar Through The Deputy Development Commissioner, District
Village Development Agency, Begusarai, District - Begusarai 2. The Block
Development Officer, Matihani, District - Begusarai 3. the District Magistrate,
Begusarai Respondent/s

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Appearance : For the Petitioner/s : Mr. Shreekant Labh For the Respondent/s : Mr.
Tej Bahadur Singh Aag7

===== CORAM:
HONOURABLE JUSTICE SMT. SHEEMA ALI KHAN ORAL ORDER (Per:
HONOURABLE JUSTICE SMT. SHEEMA ALI KHAN

12. 01-2012 Counsel for the petitioner is permitted to add the District Magistrate,
Begusarai as respondent no.

3. Heard Counsel for the petitioner and the State. The petitioner is aggrieved by the order dated 17.06.2011 issued vide memo no. 845 by the Block Development Officer, Matihani, in the district of Begusarai. By the impugned order, the petitioner has been asked to deposit the money in the Treasury within a period of 24 hours with respect to rice stocked by the petitioner under the directions of the District Authorities for distribution under the SAMPOORNA GRAMIN ROJGAR YOJANA introduced by the Central Government. 2 Patna High Court CWJC No.136 of 2012 (2) dt.12-01-2012 2/3 The petitioner, who is a Public Distribution System Dealer, had stocked rice for the District Authorities. The scheme was for the period 2002-06. It appears that the rice stocked by the Public Distribution System Dealers remained unutilized. An audit was conducted by the Central Government and thereafter the Block Development Officer has passed the orders asking the Public Distribution System Dealers to deposit the cost of the food grains stocked by them at A.P.L. rates. It is well known that rice is a perishable item and if not utilized within a specific time, it becomes unfit for human consumption. It may be noted that the Public Distribution System Dealers were acting under the instructions of the District authorities. They, in their own right, could not have disposed of the rice or utilized the rice or even distributed the rice without a permit from the District Authorities. In the circumstances, it is unfair and unjust on behalf of the Block Development Officer to ask the petitioner to bear the burden and deposit the money. The District Magistrate, Begusarai is directed to conduct an enquiry, examine the scheme and the manner of its working and thereafter fix the responsibility before any action is taken against the Public Distribution System Dealer, particularly 3 Patna High Court CWJC No.136 of 2012 (2) dt.12-01-2012 3/3 the petitioner before this Court. In the mean time, the operation of Annexure-1 shall remain stayed. The petitioner is directed to produce a copy of this order before the District Magistrate, Begusarai within a period of one month from today, failing which this application shall stand rejected without further reference to a Bench. This writ application is disposed of with the aforesaid observations and directions. (Sheema Ali Khan, J) Prabhakar Anand/-