

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13270 of 2015

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1. Parmanandpur Primary Agriculture Credit Societies, Block Basantpur, Supaul, through its Proprietor Uday Prakash Mehta, S/o Late Kamleshwari Mehta, Resident of Village - Goshpur Patti, P.S. - Birpur, District - Supaul.
 2. Banaili Patti Primary Agriculture Credit Societies, Block Basantpur, Supaul, through its Chairman, Ganesh Prasad Yadav, S/o Late Bokai Yadav, Resident of Village - Kamath Arazi, P.S. - Birpur, District - Supaul.
 3. Balbhadrapur Primary Agriculture Credit Societies, Block- Basantpur, through its Chairman Soukat Ali, S/o Late Nazir Hussain, Resident of Village - Lalpur Got, P.S. - Birpur, District - Supaul.
 4. Bhimnagar Vyapar Mandal, Block- Basantpur, Supaul through its Chairman Sri Lal Gothia, S/o Adhik Lal Gothia, Resident of Hridyanagar, P.S. Birpur, District - Supaul.
 5. Kushhar Primary Agriculture Credit Societies, Block- Basantpur, Supaul, through its Chairman Mithilesh Kumar Yadav, S/o Late Devendra Prasad Yadav, Resident of Village - Kushhar, P.S. - Ballua Bazar, District - Supaul.
 6. Ratanpur Primary Agriculture Credit Societies, Block – Basantpur, Supaul, through its Chairman Jageshwar Mehta, S/o Late Devi Lal Mehta, Resident of Village - Ratanpur, P.S. - Ratanpur, District - Supaul.
 7. Dinbandhi Primary Agriculture Credit Societies, Block- Basantpur, Supaul through its Chairman Bihari Mukhiya, S/o Late Santosh Mukhiya, Resident of Taraiya, P.S. - Birpur, District - Supaul.
 8. Bishanpur Shivram Primary Agriculture Credit Societies, Block- Basantpur, Supaul, through its Chairman, Shankar Ran, S/o Bhola Ran, Resident of Village - Bishanpur Choudhary, P.S. - Ballua Bazar, District - Supaul.
 9. Basantpur Primary Agriculture Credit Societies, Block- Basantpur, Supaul, through its Chairman Anil Kumar Khedwar, S/o Sri Deonarayan Khedwar, Resident of Village- Basantpur, P.S. - Birpur, District - Supaul.
 10. Hridyanagar Primary Agriculture Credit Societies, Block Basantpur, Supaul through its Chairman, Ashok Kumar Gupta, S/o Late Ram Narayan Gupta, Resident of Hridyanagar, P.S.- Birpur, District - Supaul.
 11. Bhagwanpur Primary Agriculture Credit Societies, Block Basantpur, Supaul, through its Proprietor Shambhu Narayan Yadav, S/o Late Dahu Yadav, Resident of Village - Samda, P.S. - Ratanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Bihar State Food and Civil Supply Corporation, through its Managing Director, Bihar, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation, Supaul.
5. The District Co-operative Officer, Supaul.
6. The District Supply Officer, Supaul.
7. The Block Co-operative Officer, Basantpur, Supaul.
8. The Circle Officer, Basantpur, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv. with
Mr. Dhananjaya Nath Tiwari

For the Respondent-State : Mr. A.N. Pandey, AC to SC-1
For the Respondent-SFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 29-02-2016

Heard Mr. N.K. Agrawal, learned senior counsel appearing for the petitioners, counsel for the State and Mr. Shailendra Kumar Singh, learned counsel appearing for the Bihar State Food and Civil Supplies Corporation.

The eleven petitioners herein are the cooperative societies registered under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') and are situated within Block-Basantpur in the District of Supaul.

The petitioners pray for a direction to the Managing Director of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as 'the Corporation') as well as to the District Magistrate, Supaul to make payment of the paddy delivered by the petitioners, the details of which stand discussed in paragraph 16 of the writ petition and the evidence of purchase stands enclosed at Annexure-3 series. The grievance of the petitioners is that although for the supplies made by these 11 petitioners, they have received part payment thereof but yet a substantial quantity which stands delivered to the Corporation as discussed in paragraph 16 of the writ petition, remains pending for payment.

The arguments advanced by Mr. Agrawal, learned



senior counsel appearing for the petitioners stands recorded in the order of this Court passed on 25.2.2016. Mr. Agrawal with reference to Annexure-3 series has submitted that the delivery/purchase were effected on 31.3.2015 and although the said date has been mentioned after striking out 1.4.2015 but that would not make any difference for the scheme brought by the Union of India required the cooperative societies to effect supply of paddy until 15.4.2015. With reference to Annexure-6 it is argued that a representation was made by these petitioners before the Managing Director requesting him to intervene but had no effect. Learned counsel has also referred to a letter of the District Manager, Supaul present at Annexure-8 of the rejoinder to submit that it is to meet the problem of storage that although the purchases were made but the cooperative societies were requested to maintain the stock within their godown. The next document referred to by Mr. Agrawal is a copy of the proceeding of a meeting held under the Chairmanship of the District Magistrate, Supaul which is present at Annexure-X to the supplementary counter affidavit. With reference thereto it is submitted that the grievance of the petitioners stands noted and although the District Magistrate had taken a decision to inform the Chairman of the societies to deliver the paddy in question after converting the same into custom milled rice (hereinafter referred to as 'the CMR') but unfortunately this

communication never reached the petitioners who had already moved this Court on 22.8.2015, i.e. much before the expiry of the scheme on 31.8.2015.

Today a supplementary affidavit has been filed by Mr. Agrawal in which it is stated that the authorities of the Corporation have lifted part of the paddy kept in the godown of petitioner nos.2, 4, 6 and 11 but neither the details of lifting are mentioned therein nor the date is mentioned.

The argument of Mr. Agrawal is contested by Mr. Singh and although the purchase vouchers are present at Annexure-3 series but yet the genuineness thereof is being disputed by Mr. Shailendra Kumar Singh. Surprisingly even when the District Magistrate has upheld the purchase and has also gone ahead to direct the Chairman of the cooperative societies to effect their delivery after converting it into 'CMR' and thus even when the District Magistrate does not dispute the genuineness of the purchase within the prescribed period, yet Mr. Shailendra Kumar Singh on whatsoever instructions that he may have received, has tried to raise doubt as to the purchase which is only taken to be rejected.

In fact this Court would have proceeded to pass final orders on the contest on 25.2.2016 itself but for the submissions of Mr. Shailendra Kumar Singh who wanted to verify the position as to whether there was any communication given to the petitioners to

deliver the paddy after converting into 'CMR' in tune with the proceedings present at Annexure-X. Three days passed but the instructions have not reached and though again a prayer for adjournment is being made which is refused.

The genuineness of the claim of the petitioners stands confirmed by the proceedings of the committee headed by the District Magistrate enclosed by the Corporation themselves at Annexure 'X'. There is no dispute as regarding the delivery made by the petitioners to the tune of 3009.87 metric tones. The only charge that is being levelled against the petitioners is that they did not covert the said paddy into 'CMR' and deliver the same within the period stipulated i.e. 31.8.2015. While it is the specific argument advanced by the petitioners that no such communication was given to them, there is nothing forthcoming from the Corporation to contest the claim and despite opportunity being granted to Mr. Singh to verify whether any such communication has reached the Chairman of the societies about the obligation cast upon them but there is nothing on record to contest this position. The petitioners have admittedly approached this Court within the period of the scheme.

In the circumstances discussed whereas this Court directs the petitioner nos.1, 3, 5 and 7 to 10 to forthwith convert the paddy, the details of which are mentioned in paragraph 16 of the

writ petition into 'CMR' and effect its proportionate supply to the Corporation within a fortnight from today, in so far as petitioner nos.2, 4, 6 and 11 are concerned since it is their case that a part of their paddy has been lifted by the Corporation hence whatsoever quantity would be remaining in their godowns should be converted into 'CMR' and be delivered to the Corporation within the same period. In so far as the quantity of paddy of the petitioner nos.2, 4, 6 and 11 stated to have been lifted by the Corporation is concerned, that is an issue which is left open for these petitioners to raise and get resolved before the competent authority of the Corporation.

It goes without saying that the Managing Director of the Corporation would ensure the payment of admissible price to the petitioners for the 'CMR' supplied.

In case the godowns of the petitioners are under the lock of the Corporation, the District Manager, Supaul is directed to open the lock within 48 hours of the receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

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