

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3936 of 2015

=====

1. Birendra Seth @ Birendra Prasad Seth Son of Rajendra Prasad Seth,
resident of Village - Dhansoin, P.S. - Dhansoin, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Buxar, District - Buxar.
4. The Chairman, Bihar State Food & Civil Supplies Corporation, Patna.
5. The District Manager, Bihar State Food & Civil Supplies Corporation, Buxar, District - Buxar.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Manendra Kumar Sinha
For the BSFC : Mr. Shailendra Kumar Singh,
For the Respondents : Mr. Sharad Kumar Sinha, GP-15

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 29-07-2015 Heard the parties.

The petitioner owns a rice mill in the name and style of Jai Bajrang Mini rice Mill, Itarhi, Buxar. The contention of the petitioner is that he entered into an agreement with the Bihar State Food and Civil Supplies Corporation (for short 'the Corporation') in the year 2011-2012 under which the Corporation was required to supply the paddy and the petitioner was required to custom mill rice (CMR) and supply the same to the Food Corporation of India as per stipulation. The paddy was supplied to the petitioner in the year 2011-12. The present writ

petition has been filed to direct the respondents to vacate the business premises of the petitioner by lifting the CMR stacked in the godown.

Learned counsel for the petitioner has contended, inter alia, that under the agreement the petitioner was required only to process the paddy. It was the duty of the Corporation to get the CMR prepared by the petitioner transported to the godown of the FCI. The same was not done resulting in stacking of huge CMR in the business premises of the petitioner obstructing operation of the rice mill.

Mr. Singh, per contra, submitted that the petitioner was required to process the paddy and provide the CMR at the agreed rate to the Food Corporation of India and charge the transportation cost. The matter like this was raised before the writ Court wherein the Hon'ble Single judge of this court permitted the Rice Millers to deposit the proceeds of sale of Custom Mill Rice in the open market. A letter in this regard was also issued by the Corporation which was also given wide publication. The matter was again agitated before the Division Bench of this Court and the Division Bench approved the order passed by the Single Judge. In the light of the order of the Division Bench it is stated on behalf of the Corporation that again notice was issued to all

concerned which was also published in the newspaper . This Court would, however, not go deep into that aspect of the matter.

In view of the stand taken by the petitioner that now since he is in the know of the fact that the rice millers can sale the CMR and deposit the cost thereof with the Corporation, the present writ application loses its relevance. The petitioner will sale the CMR stacked in his business premises in the open market and deposit the proceeds thereof with the respondent Corporation against the outstanding demand of the respondent -Corporation. The Court clarifies at the cost of repetition that if there is any liability against the petitioner, the amount deposited by the petitioner after such sale of CMR shall be set off thereagainst.

Writ application is disposed of.

(Kishore Kumar Mandal, J)

Shyam/-

U			
---	--	--	--