

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12206 of 2015

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Vir Mohan Kumar, S/o Late Banaras Kumar, Resident of village- Parsauni
Makar, P.S.- Patahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Veerchand Patel Path, Patna
2. Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Veerchand Patel Path, Patna.
3. District Magistrate/Collector, East Champaran.
4. Sub-Divisional Magistrate, Pakridayal, East Champaran.
5. District Manager, Bihar State Food and Civil Supplies Corporation, Veerchand Patel Path, Patna.
6. Circle Officer, Patahi, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
For the Respondent-State	:	Mr. Avinash Kumar, SC-30
For the Respondent- Union	:	Mr. S.D. Sanjay, Addl. S.G.
		Mr. Anshay Bahadur Mathur, CGC
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

8 30-09-2015 Heard Mr. Pramod Kumar Singh, learned counsel

appearing for the petitioner, learned counsel for the State,

learned counsel for the Union of India and learned counsel for

the Corporation.

The petitioner by way of the present writ petition
prays for twin reliefs i.e. for issuance of a writ in the nature of
mandamus commanding the respondents to take delivery of the
balance rice and in the alternative to allow him to sell it in the
open market.

Pursuant to the order of this Court a fact finding



enquiry was conducted under the supervision of the District Magistrate and the report whereof has been filed in CWJC No.11736 of 2015 which is in respect of all the societies operating within the district of East Champaran inclusive of the present society. The name of the petitioner-society i.e. Parsauni Kapur Primary Agriculture Cooperative Society appears at serial no.26 of the report and which shows 'NIL' balance of custom milled rice against the petitioner-society. The writ petition is also silent as to the balance which is available with the society which is claimed.

In the circumstances and in view of the report so filed by the authorities of the district of East Champaran referred to above and in view of the disputed claims no positive direction can be issued to the relief claimed and the writ petition is disposed of with liberty to the petitioner that in case there is any balance paddy/rice available in the stock the same be disposed of in accordance with law.

(Jyoti Saran, J)

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