

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15199 of 2015

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Belkhand Primary Agriculture Credit Society (PACS) at Belkhand, P.S. - Pakribarawan, District- Nawada through Chairman, Sri Rohan Mahto, S/o late Chulhan Mahto R/o village - Dudhaila, P.S. - Dhamaul, District- Nawada.

..... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Department, Govt. of Bihar at Patna.
2. Principal Secretary Food and Civil Supply Department, Govt. of Bihar at Patna.
3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna.
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
5. The District Magistrate, Nawada at Nawada.
6. Additional District Magistrate, Nawada.
7. District Supply Officer, Nawada.
8. The District Co-operative Officer, Nawada cum M.D., Nawada Central Co-operative Bank, Nawada.
9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
11. The Enforcement Officer, for Paddy cum Block Development Officer, Pakribarawan, Block Pakribarawan, Bhojpur.

..... Respondent/s

with

Civil Writ Jurisdiction Case No.15203 of 2015

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Jieuri Primary Agriculture Credit Society (PACS) at Jieury, P.S. - Pakribarawan, District- Nawada, through Chairman, Sri Deo Narain Singh, S/o late Ramkishun Singh, R/o village - Dumri, P.S. - Pakribarawan, District - Nawada.

..... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
2. Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna.
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
5. The District Magistrate, Nawada at Nawada.
6. Additional District Magistrate, Nawada.
7. District Supply Officer, Nawada.
8. The District Co-operative Officer, Nawada cum M.D., Nawada Central Co-operative Bank, Nawada.

9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
11. The Enforcement Officer, for Paddy cum Block Development Officer, Pakribarawan, Block Pakribarawan, Bhojpur.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.15223 of 2015

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Datraul Primary Agriculture Credit Society (PACS) at Datraul, P.S. Pakribarawan, District- Nawada, through Chairman, Sharvan Kumar, S/o Rajender Singh, R/o village - Kurhetta, P.S. Pakribarawan, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Food and Civil Supply Department, Govt. of Bihar at Patna.
2. Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna.
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
5. The District Magistrate, Nawada at Nawada.
6. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
7. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
8. The Enforcement Officer, for Paddy Cum Block Development officer, Pakribarawan, Block, Pakribarawan, Nawada.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.15238 of 2015

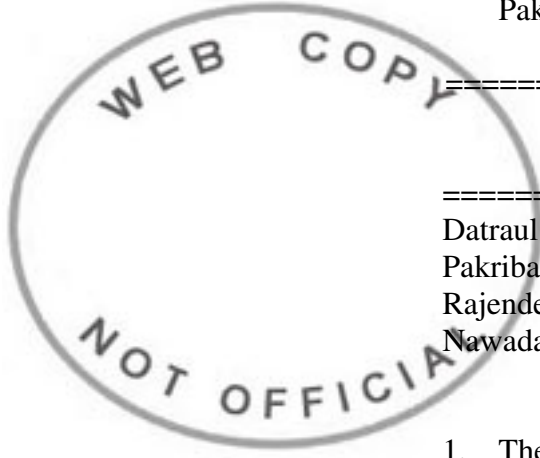
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Kabla Primary Agriculture Credit Society (PACS) at Kabla, P.S.- Pakribarawan, District- Nawada, through Chairman, Nawal Kumar, S/o Sri Nand Kishore Singh, R/o village- Kabla, P.S.- Pakribarawan, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Food and Civil Supply Department, Govt. of Bihar at Patna,
2. Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna,
3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna,
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna,
5. The District Magistrate, Nawada at Nawada.



6. Additional District Magistrate, Nawada.
7. District Supply Officer, Nawada.
8. The District Co-operative Officer, Nawada cum M.D., Nawada Central Co-operative Bank, Nawada.
9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd, Nawada at Nawada.
10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
11. The Enforcement Officer, for Paddy cum Block Development Officer, Pakribarawan, Block, Pakribarawan, Nawada.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.15274 of 2015

=====

Budhauri Primary Agriculture Credit Society (PACS) at Budhauri, P.S. Pakribarawan, District - Nawada, through Chairman, Sri Subodh Kumar, S/o Late Baleshwer Vishwakarma, R/o village - Koriya Bigha, P.S. Pakribarawan, District – Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
2. Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna.
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
5. The District Magistrate, Nawada at Nawada.
6. Additional District Magistrate, Nawada.
7. District Supply Officer, Nawada.
8. The District Co-operative Officer, Nawada Cum M.D., Nawada Central Co - Operative Bank, Nawada.
9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
11. The Enforcement Officer, for Paddy cum Block Development Officer, Pakribarawan, Block, Pakribarawan, Nawada.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.15295 of 2015

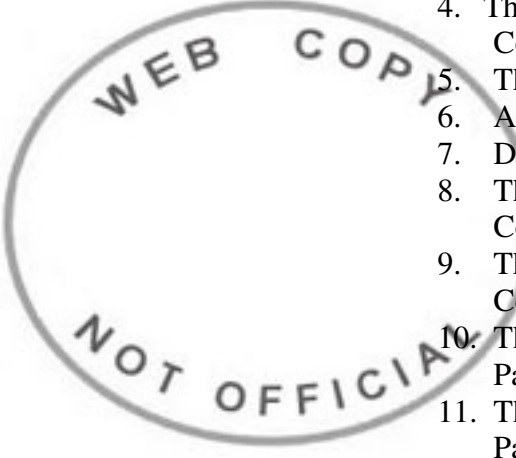
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Dhodha Primary Agriculture Credit Society (PACS) at Dhodha, P.S. Pakribarawan, District - Nawada through Chairman, Sri Niranjan Kumar, S/o Sri Sheo Kumar Sao, R/o village - Dhodha, P.S. Dhamaul, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary Food and Civil Supply

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- Department, Govt. of Bihar at Patna.
 2. Principal Secretary Food and Civil Supply Department, Govt. of Bihar at Patna.
 3. The Bihar State Food and Civil Supply Department, Govt. of Bihar at Patna.
 4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
 5. The District Magistrate, Nawada at Nawada.
 6. Additional District Magistrate, Nawada.
 7. District Supply Officer, Nawada.
 8. The District Co-operative Officer, Nawada cum M.D., Nawada Central Co - Operative Bank, Nawada.
 9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
 10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
 11. The Enforcement Officer, for Paddy Cum Block Development Officer, Pakribarawan, Block, Pakribarawan, Nawada.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.15301 of 2015

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Pokshi Primary Agriculture Credit Society (PACS) at Pokshi, P.S.- Pakribarawan, District- Nawada, through Chairman, Sri Ranjit Kumar Singh, S/o Sri Ram Naresh Singh, R/o Village- Keshori, P.S.- Pakribarawan, District- Nawada.

.... Petitioner/s

Versus

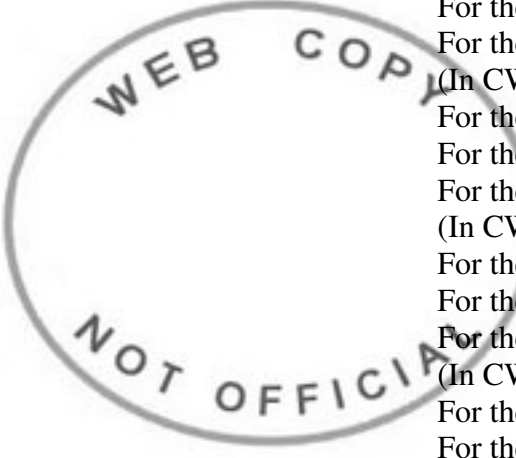
1. The State of Bihar, though Principal Secretary, Food and Civil Supply Department, Govt. of Bihar at Patna.
2. Principal Secretary, Food and Civil Supply Department, Government of Bihar at Patna.
3. The Bihar State Food and Civil Supply Department, Government of Bihar at Patna.
4. The Managing Director, the Bihar State Food and Civil Supply Corporation Ltd., Bihar at Patna.
5. The District Magistrate, Nawada at Nawada.
6. Additional District Magistrate, Nawada.
7. District Supply Officer, Nawada.
8. The District Co-operative Officer, Nawada cum M.D., Nawada Central Co-operative Bank, Nawada.
9. The District Manager, the Bihar State Food and Civil Supply Corporation Ltd., Nawada at Nawada.
10. The In Charge, Bihar State Food Corporation, Procurement Centre at Pakribarawan, Nawada.
11. The Enforcement Officer, for Paddy cum Block Development Officer, Pakribarawan, Block- Pakribarawan, Nawada.

.... Respondent/s

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Appearance :

(In CWJC No.15199 of 2015)



For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Ashok Kumar, SC-11
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15203 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. R.N. Prasad, SC-9
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15223 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Abbas Haider, SC-16
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15238 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Ajit Pratap Singh, SC-15
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15274 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Arun Kumar Prasad, AC to SC-7
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15295 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Kumar Alok, SC-8
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh
(In CWJC No.15301 of 2015)		
For the Petitioner/s	:	Mr. Amresh Kumar Sinha
For the Respondent-State	:	Mr. Anil Kumar, AC to SC-10
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 27-10-2015 Heard the parties.

All these cases relate to the district of Nawada. The petitioners are cooperative societies registered under the Bihar Cooperative Societies Act 1935 (hereinafter referred to as 'the Act') operational within the district of Nawada.

Since the issues raised and the reliefs claimed in each of the writ petitions are the same, hence all these writ petitions have been heard together with a view to their final disposal at this stage itself with the consent of the parties.



The grievance of the petitioners is that although they have purchased the paddy from the member-farmers and also supplied the paddy but the Corporation is not accepting the balance paddy/custom milled rice (hereinafter referred to as 'the CMR' for the sake of brevity) in its entirety.

It is not in dispute that the policy decision of the Government of India which was put in force under a circular dated 19.11.2014 of the Chief Secretary set up a cut-off date for supply of paddy as 15.4.2015 and for 'CMR' as 31.8.2015 after its extension from the original date so fixed on 30.6.2015.

A number of cooperative societies facing difficulty in disposing of their respective stock moved this Court and the matter was considered in a batch of writ petitions arising from CWJC No.10728 of 2015 and analogous cases and CWJC No.11746 of 2015 and analogous cases which were related to the district of East Champaran and Gopalganj respectively. This Court in consideration of the contentions advanced on behalf of the policy maker i.e. the Government of India, the enforcing agency i.e. the State of Bihar and the executing agency i.e. the Bihar State Food and Civil Supplies Corporation as well as taking into consideration the cut-off date so fixed under the policy decision for supply of paddy which was 15.4.2015 and



for supply of 'CMR' which was 31.8.2015 allowed such of the writ petitions whose balance stock was supported by the enforcement certificates issued by the Enforcement Officer duly appointed by the District Magistrate concerned and had approached for its disposal before this Court within the cut-off date fixed for supply of 'CMR' by the Government of India i.e. 31.8.2015. Such of the societies whose balance stock was not supported by the enforcement certificates and had not approached the Court before the cut-off date, were not found entitled to the relief. The broad principles that was settled by this Court in the batch of writ petitions so discussed above has been that the balance stock so claimed by the respective societies should be supported by the enforcement certificates and that the society concerned should have approached this Court within the cut-off date fixed under the policy decision i.e. 31.8.2015.

In so far as the present batch of writ petitions are concerned although the petitioner-societies are claiming their stock as banafide purchase but such claim is being disputed by the Corporation. In between such contest admittedly all these societies have approached this Court after the cut-off date fixed under the policy decision i.e. 31.8.2015.

In view of the principles laid down by this Court in

CWJC No.10728 of 2015 and analogous cases and CWJC No.11746 of 2015 and analogous cases, since these societies have not approached this Court within the cut-off date fixed i.e. 31.8.2015, on the same principles they are not found entitled to any indulgence on the grievance so raised and these batch of writ petitions are accordingly disposed of leaving it open for the petitioners to seek their grievance departmentally or otherwise.

These writ petitions are disposed of.

(Jyoti Saran, J)

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