

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17176 of 2015

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Uday Rampur Primary Agricultural Credit Co-operative Society Ltd.,
Kaimur through its Chairman, Kabir Khan, son of Riyazuddin Khan,
resident of Naughara, P.S. Chainpur, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
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, Kaimur at Bhabhua.
5. The District Co-operative Officer, Kaimur at Bhabhua.
6. The District Supply Officer, Kaimur at Bhabhua.
7. The Block Cooperative Officer, Chand Bhabhua (Kaimur).
8. The Circle Officer, Chand Bhabhua (Kaimur).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent-State : Mr. Uma Shankar, GP-4
For the Respondent-SFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-11-2015 Heard the parties.

The petitioner is a cooperative society registered under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as ‘the Act’) and ‘the Rules’ framed thereunder and prays for a direction to the authorities of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as ‘the Corporation’) to receive the balance paddy so remaining in the stock of the society.

Paragraph 12 of the writ petition explains the



position and in which it is stated that 9018 quintals of paddy was purchased by the society. The Corporation has accepted supply of 5733 quintals of paddy but a balance of 3285 quintals of paddy remains with the society. According to Mr. Dhananjay Nath Tiwari, learned counsel appearing for the petitioner, the purchase is supported by the enforcement certificate.

The prayer is being contested by Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation to submit that the petitioner having approached this Court belatedly and after the cut-off date, on the principles laid down by this Court in CWJC No.10728 of 2015 (Auraiya Primary Agriculture Credit Cooperative Society Ltd. vs. The State of Bihar) and in CWJC No.11746 of 2015 (Ameya Primary Agricultural Cooperative Society vs. The State of Bihar) and analogous cases, the petitioner is not entitled to the relief.

I have heard learned counsel for the parties and perused the records.

The issue so raised in this writ petition has been exhaustively dealt with by this Court in the judgment rendered in CWJC No.10728 of 2015 and in CWJC No.11746 of 2015 and analogous cases and this Court upon consideration of the rival contentions and the facts available on record has

concluded that the claim of such of the cooperative societies which stands supported by the enforcement certificate and the society concerned has approached this Court before the cut-off date fixed under the policy of the Government of India which is 31.8.2015, would only be entitled to the relief. The cut-off date under the policy has expired on 31.8.2015. Meaning thereby the scheme has ceased to have its existence.

On the principles so laid down by this Court in CWJC No.10728 of 2015 and CWJC No.11746 of 2015 and analogous cases, the petitioner having approached this Court after the cut-off date is not found entitled to any indulgence.

The writ petition is disposed of leaving it open for the petitioner to pursue his remedy departmentally or otherwise.

(Jyoti Saran, J)

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