

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15928 of 2015

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1. The Goraiya Dubiyahi Primary Agriculture Credit Co-operative Society Ltd., Kurhni , Muzaffarpur through its Chairman namely Pankaj Kumar Singh, Son of Late Devendra Prasad Singh, Resident of Village- Goraiya, P.S.- Kurhni, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department , Government of Bihar, Patna.
3. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Patna.
5. The Divisional Commisisoner, Tirhut Division, Muzaffarpur.
6. The District Magistrate,Muzaffarpur.
7. The District Supply Officer, Muzaffarpur.
8. The District Co-operative Officer, Muzaffarpur.
9. The District Manager, State Food Corporation, Muzaffarpur.
10. The Block Development Officer, Kurhani, Muzaffarpur.
11. The Block Co-operative Officer, Kurhani, Muzaffarpur.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.16068 of 2015

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1. Sahbajpur Primary Agriculture Credit Cooperative Society Mushahari Muzaffarpur throuth its Chairman Namely Amarnath Singh son of Sri Uma Shankar Singh R/o Vill Chakgali Po +P.S Mushahari District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
4. The Managing Director,Bihar State food and Civil Supply Corporation ,sone Bhawan, Patna.
5. The Divisional Commissioner Tirhut Division Muzaffarpur.
6. The District Supply Officer, Muzaffarpur.
7. The District Supply officer, Muzaffarpur.
8. The District Co-operative officer, Muzaffarpur.
9. The District Manager, State Food Corporation Muzaffarpur.
10. The Block Development Officer, Musahari Muzaffarpur.
11. The Block Co-operative Officer, Musahari Muzaffarpur.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.15224 of 2015

1. LOMA Primary Agriculture Credit Cooprative Society, Gaighat, Muzaffarpur, through its Chairman namely Vijay Kumar Singh Son of Late Ranveer Prasad Singh R/o vill. - Jaya, P.S. Gaighat, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co - Operative Department, Government of Bihar, Patna
2. The Principal Secretary, Co - Operative Department, Government of Bihar, Patna
3. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
4. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Patna
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur
6. The District Magistrate, Muzaffarpur
7. The District Supply officer, Muzaffarpur
8. The District Co - Operative officer, Muzaffarpur
9. The District Manager, State Food Corporation, Muzaffarpur
10. The Block Development officer, Gaighat
11. The Block Co - operative officer, Gaighat

.... Respondent/s

with

Civil Writ Jurisdiction Case No.15307 of 2015

1. Paigambarpur Primary Agriculture Credit Cooperative Society Ltd. Meenapur, Muzaffarpur, through its Chairman namely Mathura Prasad Choudhary, S/o Late Chhathu Choudhary, R/o Vill- Paigambarpur, Block & P.S.- Meenapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Patna.
5. The Divisional Commissioner, Tirhut Division Muzaffarpur.
6. The District Magistrate, Muzaffarpur.
7. The District Supply Officer, Muzaffarpur.
8. The District Co-operative Officer, Muzaffarpur.

9. The District Manager, State Food Corporation, Muzaffarpur.
10. The Block Development Officer, Meenapur, Muzaffarpur.
11. The Block Co-operative Officer, Meenapur, Muzaffarpur.

.... Respondent/s

Appearance :

(In CWJC No.15928 of 2015)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr. Harish Kumar, G.P.32

(In CWJC No.16068 of 2015)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr. Roy Shivajee Nath, AAG 3

(In CWJC No.15224 of 2015)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr. Rajesh Kumar, G.P.19

(In CWJC No.15307 of 2015)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr. Vivek Prasad- GP18

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 24-11-2015 The petitioners are Cooperative Societies registered under the Cooperative Societies Act, 1935 and complain against non-lifting of paddy/custom milled rice (CMR for the sake of brevity) by the Corporation for the production Season 2014-15.

The petitioners seek their relief under the policy of the Government of India enforced by the State Government under circular dated 19.11.2014 for expeditious disposal of paddy/CMR.

The issue so raised in these writ petitions came up for consideration before this Court in a batch of writ petitions arising from C.W.J.C.No.10728 of 2015 and C.W.J.C.No.11746 of 2015. This Court after hearing learned counsel for the Societies, the State, the Central Government as well as the Corporation



concluded that such of the Societies whose stock purchase was supported by the enforcement certificate issued by the Enforcement Officer duly appointed by the District Magistrate of the district concerned and who had approached the Court before the cut of date fixed by the Government of India under the policy in question which is 31.8.2015 were entitled to the relief prayed. Thus on a twin principle that the stock purchase of the society concerned should be supported by the enforcement certificate issued by the Enforcement Officer and such society should have approached the Court before the cut of date fixed by the Government of India under its policy i.e. 31.8.2015 that the writ petitions were accordingly disposed of.

In the present cases even when the petitioners complain of non-lifting admittedly, they have approached the Court after the cut of date fixed under the policy i.e. 31.8.2015 for the writ petitions were filed on 05.10.2015, 06.10.2015, 21.09.2015 and 21.09.2015 respectively. On the principles thus laid down by this Court in the writ petitions arising from C.W.J.C.No.10728 of 2015 and C.W.J.C.No.11746 of 2015, the petitioners having filed the writ petitions on 05.10.2015, 06.10.2015, 21.09.2015 and 21.09.2015 respectively i.e after expiry of the policy on 31.8.2015, they are not found entitled for any indulgence.

In the circumstances, the writ petitions are disposed of leaving it open for the petitioners to pursue their cause before the authorities concerned, if so advised.

(Jyoti Saran, J)

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