

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.674 of 2014**

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Maudaha Bujurg PACS through the Prabha Kumari W/o Chandra Prakash  
Sinha, Village - Maudaha Baujurga, P.S.- Patepur, District - Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. District Officer, Hazipur, Vaishali.
3. District Co-Operative Officer, Hazipur, Vaishali.
4. Block Development Officer, Patepur-Block District - Vaishali.
5. Block Agriculture Officer, Patepur Block, District - Vaishali.

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate  
For the Respondent/s : Mr. Rajesh Singh, GP-16

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

4      17-08-2015                      Heard Mr. Anil Kumar for the petitioner and Mr.  
Bhashkar Shankar, Assisting Counsel to G.P.-16 for the State.

The petitioner is a chairman of the Primary Agriculture Credit Co-operative Society, Maudaha Bujurg, Block- Patepur in the district of Vaishali and prays for a direction to the Block Agriculture Officer, the respondent no. 5 to issue a Cultivator Certificate to the petitioner in respect of 89 quintals of paddy. It is the complaint of the petitioner that whereas the society of which he happens to be the chairman purchased 223 quintals of paddy for marketing season 2012-13 and which was delivered as per the Government of India / Government of Bihar instructions but the Cultivator Certificate issued by the Block Agriculture Officer is only in respect of 134 quintals of paddy leaving out a balance of 89 quintals. The dispute thus is in relation to grant of Cultivator

Certificate in respect of 89 quintals of paddy by the respondent no. 5, the Block Agriculture Officer.

A counter affidavit has been filed and Mr. Bhashkar Shankar, learned counsel for the State and with reference to the statement made in paragraph-5 thereof submits that although the petitioner had purchased 223 quintals of paddy but the delivery was made only in respect of 134 thereof and which is reflected from the purchase register, extract of which is placed at Annexure-A to the counter affidavit in which the name of the petitioner appearing at the bottom of the list shows a delivery of 134 quintals.

Mr. Anil Kumar, learned counsel for the petitioner with reference to the Enforcement Certificate present at Annexure-1 to the writ petition submits that the Block Development Officer has clearly certified the purchase of 223 quintals of paddy by the petitioner and its delivery in accordance with the Government of India / Government of Bihar instructions and thus the State cannot now retract its position for it runs counter to the Enforcement Certificate itself.

I have heard learned counsel for the parties and perused the records. The certification by the Block Development Officer, Patepur present at Annexure-1 to the writ petition leaves no room for confusion regarding the purchase of 223 quintals of paddy by

the petitioner and its delivery in accordance with the Government of India / Government of Bihar instructions. However, the extract of the purchase register present at Annexure-A gives details of the delivery made by a society and the receipt issued on the said date. Insofar as the petitioner is concerned, the only entry is on 14.4.2013 on which date the petitioner has made a delivery of 134 quintals. There is no record regarding delivery of 89 quintals by the petitioner.

In the aforesaid view of the matter, I am of the opinion that until the petitioner is able to produce a receipt showing delivery of the balance 89 quintals, he cannot pray for any directions. In the circumstances discussed the writ petition is disposed of with a liberty to the petitioner to approach the Block Agriculture Officer in case he is able to support his contention of effecting delivery of balance 89 quintals with supportive documents. Should any such representation be filed by the petitioner along with supportive documents confirming the delivery of balance 89 quintals, the Block Agriculture Officer shall consider and dispose of the same in accordance with law expeditiously and preferably within four weeks of filing of any such application.

**(Jyoti Saran, J)**

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