

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11481 of 2015

- =====
1. Nagar Panchayat Dhaka, Chainpur Primary Agriculture Cooperative Society Ltd. Dhaka, East Champaran through its Chairman Shamastarbrez, S/o Md. Nazir, Resident of Chainpur Dhaka, P.S. - Dhaka, District - East Champaran.
 2. Karmawa Primary Agriculture Co-operative Society Ltd., Dhaka, East Champaran through its Chairman Vijay Kumar, S/o Late Rup Narayan Prasad, Resident of Bahalolpur, P.S. Dhaka, District - East Champaran.
 3. Bhagwanpur Primary Agriculture Co-operative Society Ltd., Dhaka, East Champaran through its Chairman Ejaj Alam, S/o Late Anwar Alam, Resident of Khairwa, P.S. - Dhaka, District - East Champaran.
 4. Malkauniya Primary Agriculture Co-operative Society Ltd., Dhaka, East Champaran through its Chairman Sushil Prasad, S/o Late Laxmi Narayan Prasad, Resident of Mailkaniya, P.S. - Dhaka, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
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, East Champaran at Motihari.
5. The District Co-operative Officer, East Champaran at Motihari.
6. The District Supply Officer, East Champaran at Motihari.
7. The Block Co-operative Officer, Dhaka, East Champaran at Motihari.
8. The Circle Officer, Dhaka, East Champaran at Motihari.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent-State : Mr. P.K. Verma, AAG-5
For the Respondent- SFC : Mr. Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

11 09-11-2015

Heard Mr. Dhananjaya Nath Tiwari, learned counsel appearing on behalf of the petitioners, learned counsel for the State and Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the Bihar State Food and Civil Supply Corporation.



The petitioners are cooperative societies registered under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') and have complained against the action of the respondent Corporation in not accepting the supply of paddy/custom milled rice (hereinafter referred to as 'the CMR') lying in their godowns. These four societies are situated in the district of East Champaran.

The issue relating to non-lifting of paddy/CMR has been discussed and adjudicated upon in the matter arising from CWJC No.10728 of 2015 (Auraiya Primary Agriculture Credit Cooperative Society Ltd. vs. The State of Bihar) and this Court upon a consideration of the rival contentions, the documents on record and the scheme of the Government of India as enforced by the State of Bihar through the circular of the Chief Secretary dated 19.11.2014 has concluded that such of the balance stock of the societies concerned which are supported by the enforcement certificates and that the societies concerned have approached the Court within the cut-off date which in the case of paddy was 15.4.2015 and in the case of 'CMR' was 31.8.2015, would only be entitled to the reliefs prayed.

A physical verification of the societies situated in the district of East Champaran was earlier carried out but

considering the dispute raised by the societies this Court got another enquiry conducted under the supervision of the District Magistrate, East Champaran and which was filed in CWJC No.11736 of 2015 which was heard analogous with CWJC No.10728 of 2015.

A bare perusal of the enquiry report submitted by the Additional Collector in CWJC No.11736 of 2015 shows that the stocks so claimed by these societies whose names appears at page 9 of the report were not found supported by the enforcement certificates nor these societies produced any authentic document to support their claim. Although a prayer was made by counsel for the petitioners to make good the error but despite substantial time having been passed nothing has been brought on record to contradict the error.

In the circumstances discussed, no cause for indulgence is made out and the writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--