

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1709 of 2014
IN
Civil Writ Jurisdiction Case No. 8172 of 2014

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Arvind Kumar, son of Late Sri Kishori Mahto, resident of village and P.O.-
Pirgrauna, P.S.- Daniyawa, District- Patna

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Dy. Chief (Claim), the Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Patna
6. Addl. District Magistrate (Supply), Patna
7. The District Manager, Bihar State Food and Civil Supply Corporation, Patna
8. The Block Co-operative Extension Officer cum In charge of Paddy Procurement Centre, Daniyawa, District- Patna

.... Respondents

with

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Letters Patent Appeal No. 1518 of 2014
IN
Civil Writ Jurisdiction Case No. 10490 of 2014

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Paras Kumar Jaiswal, S/o Late Janki Prasad Jaiswal Resident of Gulab bagh, P.S.
Sadar, District Purnea, Proprietor Om Mini Rice Mill, Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.
7. The Area Manager, F.C.I., Purnea.

.... Respondents

with

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Letters Patent Appeal No. 1668 of 2014
IN
Civil Writ Jurisdiction Case No. 12887 of 2014

=====

M/s Shiv Shakti Rice Mill, Banka through Proprietor, Pankaj Kumar Yadav son of
Sri Umesh Prasad Yadav resident of Kenduar, P.S. Amarpur, District - Banka

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, null Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Banka
6. The District Manager, Bihar State Food and Civil Supply Corporation, Banka

.... Respondents

with

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Letters Patent Appeal No. 1 of 2015
IN
Civil Writ Jurisdiction Case No. 9595 of 2014

=====

Binod Singh son of Late Kishori Singh resident of Village - Baghaur, P.S. - Halsi,
District - Lakhisarai, Proprietor of Rohit Rice Mill, Lakhisarai.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

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Letters Patent Appeal No. 99 of 2015
IN
Civil Writ Jurisdiction Case No. 8008 of 2014

=====

Monika Rani W/o Sri Umesh Kumar, At Ram Nagar, P.O. Bahadurpur, District -

Darbhanga, Propertior M/S U.K. Industries, At Ram Nagar, P.O. Bahadurpur,
District - Darbhanga

.... Appellant

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna
2. The District Collector, Darbhanga.
3. The Sub-Divisional Officer, Darbhanga
4. Bihar State Foods and Civil Supplies Corporation Limited, through its Chairman
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Darbhanga
6. The Certificate Officer cum Addl. Collector, Darbhanga.

.... Respondents

with

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Letters Patent Appeal No. 29 of 2015
IN
Civil Writ Jurisdiction Case No. 10707 of 2014

=====

M/s Rishu Traders through its Proprietor Rupesh Kumar Keshari Son of Basudev Prasad Keshari resident of Village - Sangrampur, P.S. - Sangrampur, District - Munger

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies , Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Manager, Bihar State Food Corporation, Banka.

.... Respondents

with

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Letters Patent Appeal No. 1690 of 2014
IN
Civil Writ Jurisdiction Case No. 10885 of 2014

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M/s Sanjana Rice Mill

.... Appellant

Versus

The State of Bihar & Ors

.... Respondents

with

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Letters Patent Appeal No. 103 of 2015

IN
Civil Writ Jurisdiction Case No. 9404 of 2014

=====

1. Ashok Kumar Saha S/o Sri Bhola Singh Resident of Village Surjapur, P.S. Chakalia, District Uttar Dinajpur (West Bengal).

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Kishanganj.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Kishanganj.

.... Respondents

with

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Letters Patent Appeal No. 224 of 2015
IN
Civil Writ Jurisdiction Case No. 9228 of 2014

=====

1. Jitendra Kumar Thakur Son of Sri Ramanand Thakur Resident of Chandan nagar Chowk, P.O - Gulab Bag, P.S- Sadar, District - Purnea, Proprietor Thakur Mini Raice Mill, Purnea.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnia.
6. The District Manager, Bihar State Food and Civil Supply Corporation Purnea.

.... Respondents

with

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Letters Patent Appeal No. 298 of 2015
IN
Civil Writ Jurisdiction Case No. 10483 of 2014

=====

1. Gurudeo Prasad Gupta son of Late Ganesh Lal Sah resident of Maranga, P.S. -

Maranga, District - Purnea, proprietor Balaji Rice Mill, Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.
7. The Area Manager, F.C.I., Purnea.

.... Respondents

with

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Letters Patent Appeal No. 473 of 2015

IN

Civil Writ Jurisdiction Case No. 10491 of 2014

=====

1. M/s Baba Mini Rice Mill through Proprietor Amit Jaiswal son of Sri Sunil Kumar Jaiswal, resident of Gulab Bagh, P.S.- Sadar, District- Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation Purnea.
7. The Area Manager, F.C.I., Purnea.

.... Respondents

with

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Letters Patent Appeal No. 441 of 2015

IN

Civil Writ Jurisdiction Case No. 9226 of 2014

=====

1. Pradip Kumar Jaiswal Son of late Janki Prasad Jaiswal resident of Bageshwari Asthan, P.O. - Gulab bagh, P.S.,- Sadar, District- Purnea, Proprietor Khushboo Mill, Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food And Civil Supply Corporation , Purnea.

.... Respondents

with

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Letters Patent Appeal No. 407 of 2015

IN

Civil Writ Jurisdiction Case No. 9228 of 2014

=====

1. Sanjay Kumar Jaiswal Son of Late Kokendra Prasad Jaiswal resident of Gulab Bagh, Chandan Nagar Chowk, P.S. Sadar, District - Purnea, Proprietor Manish Mini Rice Mill Purnea

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea

.... Respondents

with

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Letters Patent Appeal No. 270 of 2015

IN

Civil Writ Jurisdiction Case No. 9752 of 2014

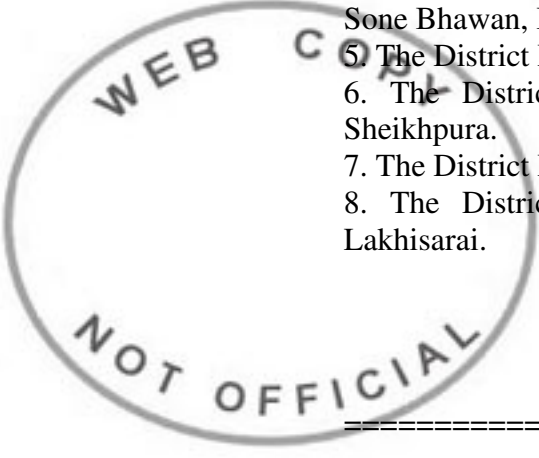
=====

1. Sanjay Kumar Son of Sri Dinesh Prasad, Resident of Chakdwah, P.S. - Sheikhpura, District - Sheikhpura Proprietor Jay Mata Di Rice Mill, Chakdwan, Sheikhpura.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.

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3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
 4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
 5. The District Magistrate, Sheikhpura.
 6. The District Manager, Bihar State Food and Civil Supply Corporation, Sheikhpura.
 7. The District Magistrate, Lakhisarai.
 8. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

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Letters Patent Appeal No. 269 of 2015
IN
Civil Writ Jurisdiction Case No. 9392 of 2014

=====

1. Asha Devi Wife of Sri Shayam Babu Chaudhary, Resident of Dumaria, P.S. - Kishanganj, District - Kishanganj.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Kishanganj.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Kishanganj. null null

.... Respondents

with

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Letters Patent Appeal No. 261 of 2015
IN
Civil Writ Jurisdiction Case No. 9905 of 2014

=====

1. Anuradha Devi Wife of Sri Sikandar Kumar Singh, Resident of Hasanpur, P.S. - Lakhisarai, District - Lakhisarai, Proprietor of M/S Anuradha Rice Mill, Lakhisarai.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone

- Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.
7. The Area Manager, Food Corporation of India, District Office Bhagalpur.

.... Respondents

with

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Letters Patent Appeal No. 32 of 2015

IN

Civil Writ Jurisdiction Case No. 15569 of 2014

=====

1. Jitendra Kumar Mahto Son of Shri Sahdeo Mahto, resident of village- Parsagarh Bazar, P.S.- Ekma, District- Saran at Chapra

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Limited , Patna through its Chairman
3. The District Magistrate, Saran at Chapra
4. The District Manager, State Food Corporation, Saran at Chapra
5. The District Certificate Officer, Chapra

.... Respondents

with

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Letters Patent Appeal No. 256 of 2015

IN

Civil Writ Jurisdiction Case No. 9753 of 2014

=====

1. M/s Laxmi Rice Mill Lakhisarai through Proprietor, Bipin Kumar Singh Son of Late Paryag Narayan Singh, Resident of Village - Hasanpur, P.S. - Lakhisarai, District - Lakhisarai.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Jamui.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Jamui.

7. The Area Manager, Food Corporation of India, District Office, Jamui.

.... Respondents

with

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Letters Patent Appeal No. 275 of 2015
IN
Civil Writ Jurisdiction Case No. 9220 of 2014

=====

1. Shambhu Saran Gupta Son of Late Ram Prasad Gupta Resident of Village + P.O - Narhat , P.S- Narhat, Distict Nawada, Proprietor of M/S Gupta Mini Rice Mill, Nawada.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department , Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Nawada.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Nawada.

.... Respondents

with

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Letters Patent Appeal No. 284 of 2015
IN
Civil Writ Jurisdiction Case No. 10492 of 2014

=====

1. Alok Kumar Khemka S/o Sri Vijay Khemka Resident of Gulab Bag, P.S. Sadar, District Purnea, proprietor Zindal Small Industries Rice Mill, Purnea.

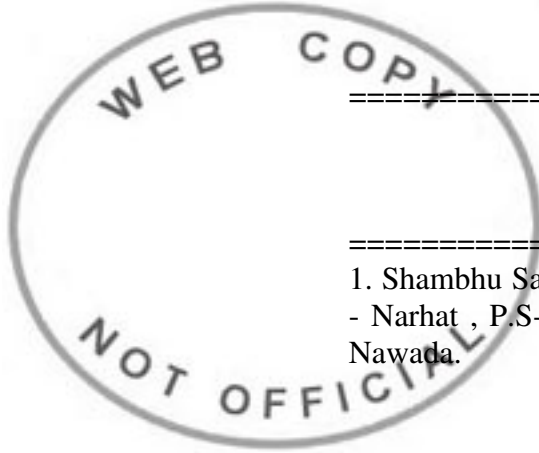
.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.
7. The Area Manager, F.C.I., Purnea.

.... Respondents

with



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Letters Patent Appeal No. 264 of 2015
IN
Civil Writ Jurisdiction Case No. 9596 of 2014

=====

1. Parmanand Singh Son of Sri Bishundeo Singh, Resident of Sharma, P.S. - Ramgarh Chowk, District - Lakhisarai, Proprietor of M/S Manish Raj Rice Mill, Sharma, Lakhisarai.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

=====

Letters Patent Appeal No. 572 of 2015
IN
Civil Writ Jurisdiction Case No. 9461 of 2014

=====

1. Rohit Rice Mill, Lakhisarai Proprietor Binod Singh son of Late Kishori Singh resident of village - Baghaur, P.S. - Halsi, District - Lakhisarai.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation , Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Jamui.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Jamui.

.... Respondents

with

=====

Letters Patent Appeal No. 226 of 2015
IN

Civil Writ Jurisdiction Case No. 9798 of 2014

1. M/s Shiv Durga Mini Rice MillLakhisarai through Proprietor, Sanjay Singh Son of Sri Arun Prasad Singh Residnet of Village - Hasanpur. P.O - Mahisona, P.S- Lakhisarai, District - Lakhisarai.

.... Appellants

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchan Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food and Civil Supply Corporation, Sone bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.
7. The Area manager, FCI, Bhagalpur.

.... Respondents

with

Letters Patent Appeal No. 343 of 2015

IN

Civil Writ Jurisdiction Case No. 10489 of 2014

1. M/s Ganpati Udyog Rice Mill Proprietor Sujit Kumar S/o Sri Rajendra Sah Resident of Gulabbagh, P.S. Sadar, District Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Depupty Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food & Civil Supply Corporation, Purnea.
7. Area Manager, F.C.I., Purnea.

.... Respondents

with

Letters Patent Appeal No. 338 of 2015

IN

Civil Writ Jurisdiction Case No. 9797 of 2014

1. M/s Akash Mini Rice Mill, Lakhisarai through Proprietor, Brahamchhari Uma Shankar, Son of Late Rameshwer Prasad resident of Jakhraj Asthan, P.S. _ Lakhisarai, District- Lakhisarai.

.... Appellant

Versus

1. The State of Bihar Through The Chief Secretary Govt. of Bihar, Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Chaim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate , Lakhisarai.
6. The District Manager, Bihar State Food & Civil Supply Corporation, Lakhisarai.
7. The Area Manager, Food Corporation of India, District- Bhagalpur,.

.... Respondents

with

=====

Letters Patent Appeal No. 598 of 2015
IN
Civil Writ Jurisdiction Case No. 9264 of 2014

=====

1. Gayatri Devi, wife of Sri lal Babu Prasad, resident of Chandan Nagar, P.O.- Gulab bagh, P.S.- Sadar, Purnea, proprietor Hari Om Raw Rice Industries, Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt, of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Supaul.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Supaul.
7. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.

.... Respondents

with

=====

Letters Patent Appeal No. 386 of 2015
IN
Civil Writ Jurisdiction Case No. 9389 of 2014

=====

1. Pankaj Singh, son of Sri Navin Prasad Singh, resident of Bartara, P.S.- Ramgarh Choek, District- Lakhisarai, Proprietor of M/S Bhardwaj Enterprises, Lakhisarai.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

=====

Letters Patent Appeal No. 695 of 2015

IN

Civil Writ Jurisdiction Case No. 10280 of 2014

=====

1. Akhilesh Jaiswal son of Sri Achhilal Prasad resident of Gulan bag, P.S.- Sadar, District- Purnea, Proprietor Balaji Mini Rice Mill, Purnea.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan , Birchand Patel Path, Patna.
4. The Deputy Chief (Claim) , the Bihar State Food & Civil Supply Cormpration, Sone Bhawan , Birchand Patel Path, Patna.
5. The District Magistrate , Purnea,
6. The District Manager, Bihar State Food and Civil Suplly Corporation, Purnea.

.... Respondents

with

=====

Letters Patent Appeal No. 408 of 2015

IN

Civil Writ Jurisdiction Case No. 9906 of 2014

=====

1. Sanjiv Kumar Singh Son of Sri Yogendra Singh resident of Hasanpur, P.S. Lakhisarai, District - Lakhisarai, Proprietor of M/s Mahabir Rice Mill, Lakhisarai

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna

3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Lakhisarai
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai

.... Respondents

with

=====

Letters Patent Appeal No. 683 of 2015
IN
Civil Writ Jurisdiction Case No. 9738 of 2014

=====

1. Siya Ram Singh son of Saryu Prasad Singh, Resident of Village- Hathiyawan, P.S- Sheikhpura, District- Sheikhpura, Proprietor Jay Shree Krishana Rice Mill, Hathiyawan, Sheikhpura

.... Appellant

Versus

1. The State of Bihar throuh the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
3. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Sheikhpura
6. The District Manager, Bihar State Food and Civil Supply Corporation, Sheikhpura
7. The District Magistrate, Lakhisarai.
8. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

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Letters Patent Appeal No. 594 of 2015
IN
Civil Writ Jurisdiction Case No. 16571 of 2014

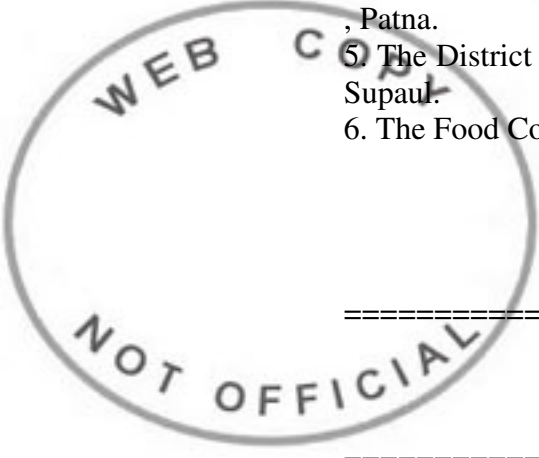
=====

1. M/s Raghupati Rice Mill, through its Proprietor, Arvind Kumar , son of Shiv Narayan Mehta resident of village & P.O. - Baisa, P.S. - Bhupteyahi, District- Supaul .

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary , Food and Consumer Protection Department, Government of Bihar.

- 
2. The District Magistrate , Supaul .
 3. The District Supply Officer, Supaul.
 4. The Managing Director , Bihar State Food and Civil Supply Corporation Limited , Patna.
 5. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Supaul.
 6. The Food Corporation of India through its General Manager, Patna.

.... Respondents

with

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Letters Patent Appeal No. 682 of 2015
IN
Civil Writ Jurisdiction Case No. 9795 of 2014

=====

1. Bipin Kumar Singh @ Bipin Kumar, son of Late Paryag Narayan, resident of Hasanpur, P.S.-Lakhisarai, District-Lakhisarai, Proprietor of M/S Laxmi Rice Mill, Lakhisarai.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Lakhisarai.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.
7. The Area Manager, Food Corporation of India, District Office, Bhagalpur.

.... Respondents

with

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Letters Patent Appeal No. 554 of 2015
IN
Civil Writ Jurisdiction Case No. 9284 of 2014

=====

1. Mahendra Prasad Jaiswal Son of Sri Baleshwar Prasad Jaiswal resident of Chandan Nagar, P.O. Gulab Bagh, P.S. Sadar, Purnea, Proprietor M/S Mahendra Mini Rice Mill, Purnea

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone

- Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Supaul
6. The District Manager, Bihar State Food and Civil Supply Corporation, Supaul
7. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea

.... Respondents

with

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Letters Patent Appeal No. 1681 of 2014

IN

Civil Writ Jurisdiction Case No. 10279 of 2014

=====

1. Lal Babu Prasad son of Sri Achhilal Prasad resident of Gulab Bag, P.S. Sadar, District - Purnea, Proprietor Hari Om Rice Mill, Purnea

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
5. The District Magistrate, Purnea
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea

.... Respondents

with

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Letters Patent Appeal No. 1586 of 2014

IN

Civil Writ Jurisdiction Case No. 9230 of 2014

=====

1. Rajesh Kumar son of Late Badari Singh resident of village + P.O. Koch Gaon, P.S. Warsaliganj, District - Nawada, Proprietor of M/S Maa Shakti Rice Mill, Nawada
2. Rajesh Kumar son of Late Badari Singh resident of village + P.O. Koch Gaon, P.S. Warsaliganj, District - Nawada, Proprietor of M/S Maa Shakti Rice Mill, Nawada

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna

- 4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
- 5. The District Magistrate, Nawada
- 6. The District Manager, Bihar State Food and Civil Supply Corporation, Nawada

.... Respondents

with

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Letters Patent Appeal No. 1685 of 2014
IN
Civil Writ Jurisdiction Case No. 10277 of 2014

=====

- 1. M/s New Bihar Mini Rice Mill, Lakhisarai through Proprietor, Vijay Kumar, Son of Sri Pappu Saw Resident of Village - Naya Bazar, P.S.- Lakhisarai, District - Lakhisarai,

.... Appellant/s

Versus

- 1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
- 2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna.
- 3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
- 4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
- 5. The District Magistrate, Lakhisarai.
- 6. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondent/s

with

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Letters Patent Appeal No. 144 of 2015
IN
Civil Writ Jurisdiction Case No. 9377 of 2014

=====

- 1. Pankaj Singh son of Sri Navin Prasad Singh resident of Bartara, P.S.- Ramgarh Chowk, District- Lakhisarai, Proprietor of M/S R.P.S. Modern Rice Mill, Baiyada , Lakhisarai.

.... Appellant/s

Versus

- 1. The State of Bihar Through The Chief Secretary Govt. of Bihar, Bihar, Patna.
- 2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna.
- 3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
- 4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.

- 5. The District Magistrate , Lakhisarai.
- 6. The District Manager, Bihar State Food And Civil Supply Corporation, Lakhisarai.

.... Respondent/s

with

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Letters Patent Appeal No. 1558 of 2014
IN
Civil Writ Jurisdiction Case No. 9218 of 2014

=====

- 1. Rajesh Jaiswal son of Late Ram Chandra Prasad Jaiswal, resident of village and P.O.- Gulab bag, Police Station - Sadar, District - Purnea, proprietor Shiv Shakti Mini Mill, Purnea.

.... Appellant

Versus

- 1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
- 2. The Principal Secretary, Food And Consumer Protection Department, Govt. of Bihar, Patna.
- 3. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
- 4. The Deputy Chief (Claim), the Bihar State Food And Civil Supply Corporation , Sone Bhawan, Birchand Patel Path, Patna.
- 5. The District Magistrate, Purnea.
- 6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.

.... Respondents

with

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Letters Patent Appeal No. 340 of 2015
IN
Civil Writ Jurisdiction Case No. 9732 of 2014

=====

- 1. Bijendra Kumar son of Shri Rameshwer Prasad singh resident of Jamui Road, P.S. - lakhisarai, District- Lakhisarai, Proprietor of M/S B.R.Rice Mill , Biyada, lakhisarai.

.... Appellant

Versus

- 1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
- 2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar,Patna.
- 3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
- 4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
- 5. The District Magistrate, Lakhisarai.
- 6. The District Manager, Bihar State Food & Civil Supply Corporation, Lakhisarai.

.... Respondents

with

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Letters Patent Appeal No. 495 of 2015
IN
Civil Writ Jurisdiction Case No. 9462 of 2014

=====

1. Ram Lagan Singh son of Sri Ram Khelawan Singh resident of Jhinaura, P.S. - Mahisona, District - Lakhisarai, Proprietor of M/S Arti Industries, Biyada, Lakhisarai.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary , Govt. of Bihar, Patna.
2. The Principal Secretary , Food & Consumer Protection Department , Govt. of Bihar, Patna.
3. Managing Director , Bihar State Food and Civil Supply Corporation , Sone Bhawan , Birchand Patel Path , Patna.
4. The Deputy Chief (Claim) , the Bihar State Food & Civil Supply Corporation, Sone Bhawan , Birchand Patel Path , Patna.
5. The District Magistrate , Lakhisarai
6. The District Manager , Bihar State Food and Civil Supply Corporation, Lakhisarai.

.... Respondents

with

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Letters Patent Appeal No. 360 of 2015
IN
Civil Writ Jurisdiction Case No. 9763 of 2014

=====

1. Dayanand Singh, son of Sri Kirandeo Singh, resident of Sharma, P.S. - Lakhisarai, District Lakhisarai , Proprietor of M/S Bhardwaj Rice Mill, Sharma, Lakhisarai

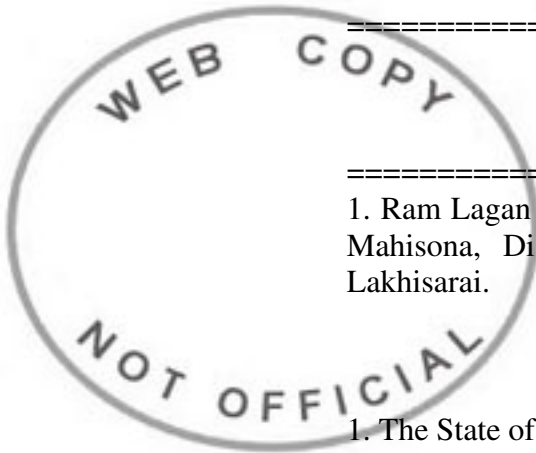
.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food And Civil Supply Corporation, Sone Bhawan Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan Birchand Patel Path, Patna.
5. The District Magistrate , Lakhisarai.
6. The District Manager , Bihar State Food State and Civil Supply Corporation, Lakhisarai.

.... Respondent/s

with



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Letters Patent Appeal No. 442 of 2015
IN
Civil Writ Jurisdiction Case No. 9223 of 2014

=====

1. Sunil Sao @ Sunil Kumar Son of Sri Mauji Sao resident of village+ P.O.,- Karma Kala, P.s. Rajouli, District- Nawada, Proprietor of M/S Maa Bhagwati Rice Mill, Rajouli, Nawada.

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar , Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Nawada.
6. The District Manager, Bihar State Food And Civil Supply Corporation ,Nawada.

.... Respondents

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Appearance :

(In LPA No. 1709 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
Mrs. Sushmita Mishra, Adv.
For the Respondent/s : Mr. Anjani Kumar, Sr. Adv.
Mr. Shailendra Kumar Singh, Adv.
Mr. K.K. Jha, AAG 14
Mr. Gyan Prakash Ojha, Adv.

(In LPA No. 1518 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. GP22- GYAN PRAKASH OJHA

(In LPA No. 1668 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. SC7-Arun Kumar Prasad, AC to SC 7
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 1 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. SC18- N. HODA KHAN

(In LPA No. 99 of 2015)

For the Appellant/s : Mr. Krishna Mohan Mishra
For the Respondent/s : Mr. SC8- KUMAR ALOK

(In LPA No. 29 of 2015)

For the Appellant/s : Mr. Sushmita Mishra
For the Respondent/s : Mr. SC15- AJIT PRATAP SINGH
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 1690 of 2014)

For the Appellant/s : Mr. Sushmita Mishra, Adv.
For the Respondent/s : Mr. Shailendra Kumar Singh, Adv.

Mr. Vijay Bharti, AC to SC26

(In LPA No. 103 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 224 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

(In LPA No. 298 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. GP30- RAJU GIRI

(In LPA No. 473 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. GP27- PURNENDU SINGH

(In LPA No. 441 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 407 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

(In LPA No. 270 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 269 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 261 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

(In LPA No. 32 of 2015)

For the Appellant/s : Mr. Siddharth Harsh, Adv.
For the Respondent/s : Mr. Vivek Anand Amrish, AC to GP 21
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 256 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

(In LPA No. 275 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 284 of 2015)

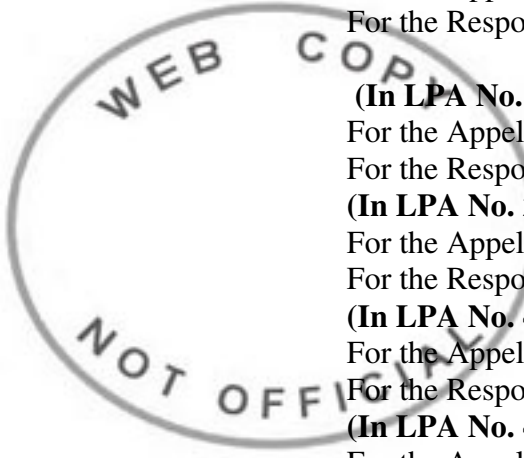
For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Shailendra Kumar Singh, Adv.
Mr. Sanjay Kumar Ojha- GP18

(In LPA No. 264 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. GP24- ANSHUMAN SINGH

(In LPA No. 572 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar



For the Respondent/s : Mr. GA4- ASHOK PRIYADARSHI
(In LPA No. 226 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.

For the Respondent/s : Mrs. Shalini Raut, AC to GA 1
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 343 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. MANIKANT MISHRA

(In LPA No. 338 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. GA3- VINAY KIRTI SINGH

(In LPA No. 598 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. AAG14- KAUSHAL KUMAR JHA

(In LPA No. 386 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. SC13- ARVIND KUMAR-1

(In LPA No. 695 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr.

(In LPA No. 408 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. NADEEM SERAJ- GP20

(In LPA No. 683 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. ANSHUMAN SINGH- GP24

(In LPA No. 594 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. SC25- A. UJJWAL

(In LPA No. 682 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr.

(In LPA No. 554 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. SC27- KINKAR KUMAR

(In LPA No. 1681 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. SC20-DR. A.K. U PADHYAYA

(In LPA No. 1586 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. AAG6- ANJANI KUMAR

(In LPA No. 1685 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. SC22-KUNDAN BAHADUR SINGH

(In LPA No. 144 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.

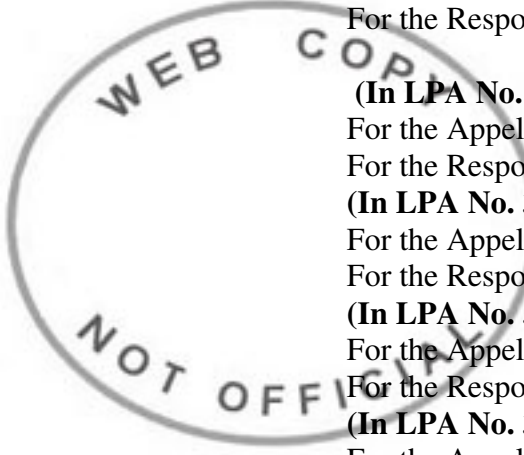
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 1558 of 2014)

For the Appellant/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. GP31- SMT. BINITA SINGH

(In LPA No. 340 of 2015)



For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 495 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr.

(In LPA No. 360 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG10
Mr. Shailendra Kumar Singh, Adv.

(In LPA No. 442 of 2015)

For the Appellant/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. GP32-HARISH KUMAR

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-04-2015

In this batch of Letters Patent Appeals, orders passed in various writ petitions, that have several common features, are challenged. The facts in all the Letters Patent Appeals, are almost common.

The Bihar State Food Civil Supplies Corporation (for short Bihar Corporation) has undertaken the work of procurement of paddy from the farmers in the State of Bihar under a scheme evolved by the Food Corporation of India (for short F.C.I.). The scheme provided that the paddy procured by the Bihar Corporation has to be converted into rice and the rice shall, in turn, be purchased by the F.C.I. As and when the paddy was procured by the Bihar Corporation, various quantities were allotted and delivered to the rice mills in the State under specific agreements, for

the purpose of custom milling. The resultant rice, which is fixed at 67% of the quantity of paddy supplied to the rice millers, was to be offered to the Bihar Corporation and thereby to the F.C.I. within a stipulated time.

The appellants herein are the rice millers. They were allotted and supplied different quantities of paddy. However, the entire resultant rice was not offered or supplied to the Bihar Corporation, or for that matter, the F.C.I. Therefore, initially notices were issued for recovery of the cost of the deficit quantity of the rice and thereafter proceedings under the Bihar and Orissa Public Demand Recovery Act (for short the Act) were initiated in quite large number. In certain cases, the proceedings under the Act were set aside by this court, when challenged, after taking into account the provisions of the Act as well as the terms of agreement.

The appellants also challenged the proceedings initiated against them, by raising various grounds. In the course of hearing, they were not able to point out any acceptable ground, of fact or law. However, the agreements between the Bihar Corporation, on the one hand, and the appellants, on the other hand, contained clause-16, that provided for the mechanism of conciliation, for resolution of



disputes, if any, and, if that fails, to have recourse to arbitration. This aspect was dealt with in detail, in one writ petition being C.W.J.C. No.9133/14 and through order dated 22.7.2012, it was held that the writ petition is not maintainable in view of the existence of an arbitration clause. Directions were issued to the effect that in case the petitioners submit application in terms of Clause-16 of the agreement, the concerned authority shall take necessary steps. An assurance was also given on behalf of the respondents to the effect that till the disposal of the representation in terms of Clause-16, no coercive steps would be taken against the petitioners beyond what was already taken. In terms of the said order, all the other similar writ petitions were disposed of. Hence, this batch of Letters Patent Appeals.

Heard Shri Shashi Bhushan Kumar and Smt. Sushmita Mishra, learned counsel for the appellants, and Shri Anjani Kumar, Shailendra Kumar Singh, Shri K.K. Jha and Shri Gyan Prakash Ojha, learned counsel for the respondents.

The large scale irregularities that have taken place, in the context of procurement of paddy and the receipt of the resultant rice from the millers during the years



2011-12, 2012-13 and 2013-14 are the subject matter of several proceedings. The amount involved is about fifteen thousand crore rupees. As per the estimates of the Government, as and when pressure mounted, the authorities of the State initiated steps for recovery of the amount mainly from the rice millers. In certain cases, the rice millers have paid the cost of deficit quantity of rice and, in some other cases, excuses were pleaded. Wherever the amounts were not paid by the rice millers, proceedings under the Act were initiated. There again, dichotomy existed.

The initiation of proceedings under the Act becomes permissible if only there is an agreement between the parties to that effect. While in certain cases the clauses providing for initiation of proceedings existed, in certain other cases, such clauses did not exist. This Court had to set aside the proceedings if the agreements did not contain a clause providing for the recourse to proceed under the Act. In this batch of Appeals, such a problem does not exist. The respective agreements contained clause-15 that enabled the Bihar Corporation and thereby the State to initiate proceedings under the Act. The clause reads:

“15. The second party agrees that in case, any amount found recoverable on account of default, loss, damage on the part of the second party, the said

recoverable amount with interest will be recovered as Land Revenue under Bihar & Orissa Public Demands Recovery Act, 1914, by instituting Certificate case before the concerned District Certificate Officer.”

If it is well established that even in cases of such nature this Court certainly can interfere. However, one peculiar situation that emerges in these cases is that apart from enabling provision, i.e. Clause-15, the agreements contained Clauses 16 that provided for conciliation or arbitration. It reads as under:-

“16. In case of disputes both parties agree to settle the issue(s) on mutual discussion. Failure to reach agreement the matter will be referred to arbitrator. It has been also agreed that the arbitrator will be District Collector of the concerned District whose decision shall be final, concerning the dispute referred to him.”

From a perusal of this, it becomes clear that if there exists the dispute between the parties, the recourse must be had to conciliation, as a first step and, if that does not fructify, the steps need to be taken to get the dispute resolved through arbitration. It is a different matter that the Collector is the named arbitrator in all these cases.

Once the parties have agreed to a particular mode of resolution of dispute, that too, those covered by Arbitration and Conciliation Act, 1996, the question of entertaining the writ petition, in relation to that very

dispute, does not arise. The plea of the appellants that the arbitration by the Collector may not be effective, can be certainly agitated before the proper forum, but not in the writ petition. Such a course would invariably be available in the process of availing the remedy of arbitration, but not outside the same.

The Learned Single Judge has taken correct view of the matter in refusing to entertain the writ petitions after taking note of the existence of clauses providing for arbitration. The interests of the appellants have already been adequately protected by stipulating time for the concerned authorities to take action in the event of any representations in terms of Clause 16 being made.

Learned counsel for the appellants submits that substantial amounts, covered by certain proceedings have been paid in terms of the interim orders passed in the writ petitions and their clients are ready to pay the balance, if reasonable time is granted.

In the facts and circumstances of the case, we dispose of all the Appeals by directing:

(A) The order passed by the learned single Judge
in all the writ petitions is upheld;

(B) Wherever the appellant offers to pay the

balance of the amount covered by the certificate proceedings, Bihar Corporation shall receive the same, if paid within two months from today;

(C) The respective appellants shall be entitled to sell the rice, if any, with them and for that purpose if any permission is needed from the Government or the Bihar Corporation, the same shall be accorded, subject to an undertaking given to the effect that they shall have the first charge over the sale proceeds;

(D) Criminal proceedings, if any, pending against them shall stand abated, on payment of the entire amount.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

K.C.jha/-
A.F.R.

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