

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6494 of 2015

1. Sanjay Kumar Singh, S/o - Satya Narayan Singh, resident of village - Baruna, P.O+ P.S. - Akodhi Gola, District - Rohtas.
2. Shiv Prasad Choudhary, S/o - Late Ram Sewak Choudhary, resident of village - Baligaon, P.O + P.S. - Rajpur, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food, Civil Supply & Consumer, Govt. of Bihar, Patna.
3. The Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna represented through its Managing Director, the Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna.
4. The Managing Director, the Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna.
5. The Director, the Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna.
6. The Divisional Commissioner, Rohtas at Sasaram.
7. The District Magistrate, Rohtas at Sasaram.
8. The Sub-Divisional Officer, Rohtas at Sasaram.
9. The Block Development Officer, Block - Akodhi Gola, District- Rohtas at Sasaram.
10. The Circle Officer, Block - Akodhi Gola, District- Rohtas at Sasaram.
11. The Principal Secretary, Department of Vigilance, Govt. of Bihar, Patna.
12. The Inspector General of Police, Economics Offences Wing, Govt. of Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary, Advocate
For the Respondents : Mr. Anjani Kumar, A.A.G.-6
Mr. Shailendra Kumar Singh, Advocate
For the respondent no.12 : Mr. Ramakant Sharma, Senior Advocate
Mr. Rabindra Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-07-2015

This writ petition is filed, in public interest, with a prayer
to direct the respondents 7 to 11 to order enquiry into the alleged

illegality said to have been committed in the course of purchase of raw rice, which was assigned to the respondents 3 to 5 in the Rohtas district.

The petitioners contend that target of 1,35,000 quintals was fixed for procurement of raw rice in the circle, and contrary to that only 92,328 quintals were purchased. It is also mentioned that raw rice from large number of farmers, whose names were mentioned in the enforcement list, was not purchased.

On behalf of the State, a counter affidavit is filed. It is stated that the procurement of the rice was undertaken as per the stipulated norms and though the target of 1,35,000 quintals was fixed, only 98,328 quintals was purchased, and the same is on account of the fact that the farmers did not come forward. It is also mentioned that writ petition was filed after the expiry of the last date of purchase, i.e. 31.03.2015.

Heard Sri Ramanuj Tiwari, learned counsel for the petitioner and Sri Anjani Kumar, learned Additional Advocate General-6, for the respondents 3 to 5.

With a view to encourage the farmers to grow paddy, the Central Government introduced the scheme for purchase of the resultant rice by offering certain amount towards bonus or procurement price. For the area concerned, the target was fixed at

1,35,000 quintals. A tentative list of farmers, who are entitled to sell their rice is also prepared. However, by the expiry of the period, only 98,328 quintals of raw rice were purchased. This fact was not denied by the respondents.

The reason for not meeting the target would be different from person to person. In a given case, the persons, who are included in the enforcement list, may not have come forward to sell their rice and in another case, the rice may not be of good quality. This Court would have made an effort to redress the grievance if only the aggrieved parties were before us. A third party cannot plead the facts which are specific to the individual farmers. At any rate, the last date for purchase of paddy, i.e. 31.03.2015 had expired long back.

We do not find any merit in this writ petition. Accordingly, the writ petition is dismissed.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Anjana Mishra, J)

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