

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17622 of 2015

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1. Mahinam Primary Agriculture Co-operative Society having its office at Village - Mahinam, P.S.-Bahera, District- Darbhanga through its Adhyaksh- Shree Arun Kumar Jha.
 2. Arun Kumar Jha Son of Late Ganga Prasad Jha residents of Village - Mahinam, P.S. - Bahera, District - Darbhanga at present Adhyaksh of the Managing Committee of Mahinam Primary Agriculture Co-operative Society (Petitioner no. 1).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Civil Supplies Corporation, Government of Bihar, Patna.
2. District Magistrate, Darbhanga.
3. District Manager, Bihar State Food & Civil Supplies Corporation, Darbhanga.
4. District Co-operative Officer, Darbhanga.
5. Shree Pradeep Kumar Jha, BDO-cum-Enforcement Officer, Benipur, District - Darbhanga.
6. Shree Arvind Kumar, Former District Manager, Bihar State Food & Civil Supplies Corporation, Darbhanga.
7. Shree Ashok Kumar Ram, Block Agriculture Officer, Benipur, District - Darbhanga.
8. In-charge Go-down Manager, Bazar Samiti, Shivdhara, District - Darbhanga.
9. In-charge Manager, Warehousing, Benipur, District - Darbhanga.
10. M/s Supriya Rice Mill, Dagarsam, Sonki, District - Darbhanga through its Proprietor - Shailendra Kumar Jha, residents of Village - Dagarsam, P.S. - Bahadurpur, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra, Adv.
For the Respondent/s : Mr. Ratnakar Ambastha, A.C. to G.P.13
For the S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 23-11-2015 Mr. Yogendra Mishra, learned counsel for the petitioners, learned counsel for the State and Mr. Shilendra Kumar Singh, learned counsel for the Corporation have appeared and have been heard.

The petitioner is a Cooperative Society registered under the Cooperative Societies Act, 1935 and complains against non-lifting of paddy/custom milled rice (CMR for the sake of brevity) by the Corporation for the production Season 2014-15.

The petitioner seeks his 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 this writ petition 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 case even when the petitioner complains of non-lifting admittedly, he has approached the Court after the cut of date fixed under the policy i.e. 31.8.2015 for the writ petition was filed on 3.11.2015. 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 petitioner having filed the writ petition on 3.11.2015 i.e after expiry of the policy on 31.8.2015, he is not found entitled for any indulgence. The writ petition is dismissed accordingly.

(Jyoti Saran, J)

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