

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8870 of 2015

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1. Garhsisai Primary Agriculture Credit Society Limited, Block Vidyapati Nagar, Samastipur through its Manager, namely Sri Ram Prakash S/o Late Sukhdeo Mahto Resident of Village Garhsisai, P.S. Vidyapati Nagar, District Samastipur.
 2. Ram Prakash S/o Late Sukhdeo Mahto Resident of Village Garhsisai, P.S. Vidyapati Nagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Manager, State Food Corporation, Samastipur.
4. The Block Agriculture Officer-cum-Supervising Authority, State Food Corporation, Vidyapati Nagar, Samastipur.
5. The Executive Assistant, State Food Corporation, Maniyarpur, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Mithilesh Kumar Pandey, Adv.
For the S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 09-11-2015 Heard learned counsel for the parties.

The dispute is with regard to payment of wheat supplied by the petitioner society to the Corporation for the period 2012-13. It is the grievance of the petitioner that whereas the wheat supplied by voucher dated 17.8.2012 present at Annexure-2 weighing 655 quintals have been paid, the second batch weighing 373 quintals which was supplied on 19.8.2012 remains pending for payment.

The supply have been questioned by Mr. Shailendra Kumar



Singh by relying upon the voucher present in the records of the Corporation, a copy of which has been enclosed as Annexure-C and with reference thereto it is submitted that the voucher in the records of the Corporation does not bear the signature of either the petitioner or the Centre Incharge. He also refers to the records of purchase present at Annexure-B to submit that whereas the supply of 655 quintals stands supported from the purchase register but there is no record with regard to supply made by the petitioner on 19.8.2015.

In between the dispute a police case has been registered against the private respondent who has received the wheat from the petitioner namely Santosh Kumar bearing Vidyapati Nagar (Ghatho) P.S. Case No. 3 of 2014. It is the specific complaint of the petitioner in the said F.I.R. that although he has received payment for the 655 quintals of wheat supplied but the second batch of 373 quintals supplied on 19.8.2015 to the accused Centre Incharge Santosh Kumar has not been paid. There is a clear dispute in between the parties as to the supplies to the Corporation. As according to the petitioner the supply stands effected, the position is disputed by the Corporation with reference to Annexure-B and C. The matter remains pending before the Criminal Court for confirmation on the supplies made by the

petitioner.

Considering that until such time that it is established that the wheat reached the Corporation, no responsibility can be cast upon them. This issue can only be resolved once it is established in the criminal proceeding as to whether the said Santosh Kumar did forward the supply to the Corporation of the wheat received by him from the petitioner or he has misappropriated the same himself. The relief claimed in the writ petition at its present stage cannot be entertained. The writ petition is disposed of accordingly.

The petitioner shall be at liberty to agitate the matter once the issue whether or not the accused Centre Incharge Santosh Kumar supplied the wheat in question to the Corporation stands resolved in the criminal proceedings.

(Jyoti Saran, J)

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