

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10443 of 2015

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Subhash Kumar Rai, Son of Gauri Rai, Resident of Village- Chatiya, PO - Chatiya, P.S.- Malahi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar.
2. The Managing Director, F.S.C. Bihar.
3. The District Magistrate, East Champaran.
4. District Cooperative Officer, East Champaran.
5. Block Co-operative Officer, Areraj, East Champaran.
6. District Manager, F.S.C., East Champaran.

.... Respondent/s

With

Civil Writ Jurisdiction Case No.11719 of 2015

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Madan Choubey, Son of Late Ram Ayodhya Choubey, Resident of Village - Mananpur, P.O. + P.S. - Govindganj, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Bihar.
2. The Managing Director, F.S.C., Bihar.
3. The District Magistrate, East Champaran.
4. District Cooperative Officer, East Champaran.
5. Block Co-operative Officer, Areraj, East Champaran.
6. District Manager, F.S.C., East Champaran.

.... Respondent/s

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Appearance :

(In CWJC No.10443 of 2015)

For the Petitioner/s : None
For the Respondent-State : Mr. Ravi Verma, AC to GP-12
For the Respondent-SFC : Mr. Shailendra Kumar Singh

(In CWJC No.11719 of 2015)

For the Petitioner/s : None
For the Respondent-State : Mr. Ajit Kumar, AC to GP-9
For the Respondent-SFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

10 09-11-2015 None appears on behalf of the petitioners. Counsel

for the State in the respective writ petitions and Mr. Shailendra

Kumar Singh, learned counsel appearing for the Corporation are

present and have been heard.

These two writ petitions are in the chain of writ petitions which have been filed by various cooperative societies complaining of non-lifting of the paddy/custom milled rice (hereinafter referred to as 'the CMR') for the period 2014-15 in the light of the scheme of the Government of India as enforced by the State of Bihar through the notification of the Chief Secretary dated 19.11.2014. Under the scheme, the society concerned was to supply paddy until 15.4.2015 to the Corporation and 'CMR' until 31.8.2015.

The issue so raised stands discussed in the judgment of this Court passed in CWJC No.10728 of 2015 (Auraiya Primary Agriculture Credit Cooperative Society Ltd. vs. The State of Bihar) and CWJC No.11746 of 2015 (Ameya Primary Agricultural Cooperative Societies vs. The State of Bihar) and analogous cases. Considering the nature of contest this Court had directed the District Magistrate, East Champaran to carry out an on-spot enquiry and which has been filed in CWJC No.11736 of 2015 in so far as the district of East Champaran is concerned.

Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation and the counsel for the State with

reference to the report has intimated that no paddy was found within the premises of the petitioners on the date of enquiry.

Since the petitioners disputed the position reflecting from the enquiry report that this Court directed for filing of a supplementary counter affidavit on the dispute so raised and which has since been filed in each of the two writ petitions by the Additional Collector and in which it has been specifically stated in paragraph 6 of the supplementary counter affidavit in each of the cases that no paddy was found within the premises of the petitioners on physical verification.

In the circumstances, the petitioners are not found entitled to any relief and the two writ petitions are accordingly disposed of.

(Jyoti Saran, J)

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