

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16508 of 2014

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Surya Narayan Yadav, son of late Tirpit Lal Yadav, Chairman, Primary Agricultural Cooperative Societies (PACS), Khutauna, Madhubani, resident of village Sarb Seema, P.S. Lokhaha, Lalmaniya Chauk, District Madhubani

.... Petitioner

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Director, Directorate of Integrated Child Development Scheme, Bihar, Patna
3. The District Magistrate, Madhubani
4. The Circle Officer, Khutauna, Madhubani
5. The District Enforcement Officer, Madhubani, Samastipur
6. The District Manager, Madhubani
7. The Assistant Warehouse Manager, Food Corporation of India, Madhubani

.... Respondents

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with

Civil Writ Jurisdiction Case No.16615 of 2014

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Neti Pal Son of Late Chanchal Pal resident of village - Prayagpur, Block - Khutauna, Madhubani, At Present Chairman, Primary Agricultural Cooperative Societies (PACS), Bagha Kusmar, Block - Khutauna, district - Madhubani

.... Petitioner

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Director, Directorate of Integrated Child Development Scheme, Bihar, Patna
3. The District Magistrate, Madhubani
4. The Circle Officer, Khutauna, Madhubani
5. The District Enforcement Officer, Madhubani
6. The District Manager, Madhubani, Food and Civil Supplies Government of Bihar, Patna
7. The Assistant Warehouse Manager, Food and Civil Supplies Bihar in District Madhubani

.... Respondents

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with

Civil Writ Jurisdiction Case No.16724 of 2014

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Tetri Devi W/o Sri Bhupeshwar Mahto, resident of village- Brahmotar, Block- Laukha, District- Madhubani. At present Chairman, Primary Agricultural Co-operative Societies (PACS), Jhanjpatti Asha, Block- Khutauna, District- Madhubani

... Petitioner

Versus

1. The State of Bihar represented through the Principal Secretary,

Department of Food and Civil Supplies, Government of Bihar, Patna
 2. The Director, Directorate of Integrated Child Development Scheme, Bihar, Patna
 3. The District Magistrate, Madhubani
 4. The Circle officer, Khutauna, Madhubani
 5. The District Enforcement Officer, Madhubani
 6. The District Manager, Madhubani
 7. The Assistant Warehouse Manager, Food Corporation of India, Madhubani

.... Respondents

Appearance :

For the Petitioner/s : Mr. A.K.Thakur, Adv.
 For the Respondent/s : Mr. Kamlesh Prasad, AC to SC2
 For the Corporation : Mr. R.S.Pradhan, Sr.Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

8 04-11-2015 Heard learned counsel for the parties.

Having regard to the nature of relief sought in these writ applications this Court would find it difficult to adjudicate the issue, inasmuch as it is the case of the petitioners that the Corporation had lifted the paddy from the petitioners and had given a number of receipts but then the learned counsel for the Corporation has come out to say that the amount which were admitted by the Corporation on account of taking stock of paddy of the petitioner were already paid but now the petitioners want some more payment on the basis of such receipts which are not admitted by the Corporation.

Mr. Ajay Kumar Thakur, learned counsel for the petitioners, submits that the Anchal Adhikari has verified the correctness of such receipt, but, on the other hand, Mr. Pradhan,

learned Sr. Counsel appearing on behalf of the Corporation, says that these receipts are not genuine and in fact have got no evidentiary value much less can be relied for the purpose of making payment from the public fund. In such a situation the amount is not admitted and these writ applications will not be maintainable as was held by the Division Bench of this Court in the case of M/s Patna Hume Pipes Manufacturing Company v. the State of Bihar & ors., reported in 1993(1) BLJR 600.

The petitioners, therefore, will have to now take remedy under ordinary civil law by filing suit and if they do so nothing said in this order including disposal of these writ applications without any giving any relief to the petitioners shall come in their way of moving appropriate civil court for adjudication of the dispute with regard to liability of the Corporation to pay the amount in question being claimed by the petitioners by way of price of stock of paddy supplied by them to Corporation.

With the aforementioned observations, all these writ applications are disposed of.

(Mihir Kumar Jha, J)

surendra/-

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