

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5718 of 2015

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1. Pawan Kumar S/O Late Ram Pratap Ray R/O- Village- Mekra, P.O.-
Mekra, P.S.-Mokama, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-Operative Department, Government of Bihar.
2. The District Magistrate, Patna
3. The Additional District Magistrate, (Supply), Patna, District- Patna
4. The Sub-divisional Officer, Barh, District- Patna
5. The Block Development Officer, Mokama, District- Patna
6. The Managing Director, the Patliputra Central Co-Operative Bank Ltd. Pandarak, Branch (Patna), District- Patna
7. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Patna.
8. The Wheat Purchase Centre, Mokama, through the District Manager, Bihar State Food and Civil Supply Corporation Ltd. Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Adv.
For the Respondent/s : Mr. Kishore Kumar Sinha, Adv.
For the Corporation : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

8 08-12-2015 Heard Mr. Ram Chandra Singh, learned counsel for the petitioner, Mr. Kishore Kumar Sinha, learned counsel appearing for the respondent No.6 and Mr. Shailendra Kumar Singh learned counsel for the State Food and Civil Supplies Corporation.

The complaint of the petitioner is that although he has supplied 262 quintals of wheat to the Bihar State Food and Civil Supplies Corporation through Centre Incharge as back as on 4.12.2012 but has been running around for payment since then. Mr. Singh learned counsel for the petitioner refers to receipt present at Anneuxre-2 in support of the contention.



The claim was contested by Mr. Shailendra Kumar Singh appearing for the respondent Corporation inter alia on grounds that there is some kind of yellow receipt which is to be submitted along with the stock to the Corporation by the Centre Incharge and which is missing in the case of the petitioner. It is in consideration of the nature of the dispute that the State was directed to file counter affidavit and which has come on record.

This matter was taken up last on 2.11.2015 when Mr. Singh appearing for the Corporation prayed for some time to place on record the current status of the matter and following which a supplementary counter affidavit has been filed by the Corporation today enclosing a letter of the District Manager of the Corporation which is addressed to the Managing Director and which by itself supports the claim of the petitioner. The District Manager supports the purchase of 5009.50 quintals at Mokama Purchase Centre from the petitioner of which payment has been made only for 4695.50 quintals. The report also accepts that there are three purchase entry made in the register on 3 dates which in total comes 262 quintals. It is further mentioned in the report that about 228.66 quintals of wheat were found missing from the Centre for which a criminal case has been instituted.

The counter affidavit of Additional Collector filed in the



proceedings encloses a document which clearly mentions deposit of 262 quintals of wheat by the Makra PACS. The only objection raised by Mr. Shailendra Kumar Singh is that whereas the petitioner relies upon a single voucher to support the supply of 262 quintals, but neither the yellow copy of the said voucher is available in the records nor the purchase register mentions a single purchase of 262 quintals which though finds mentioned in the enclosure to Annexure-A to the counter affidavit of the Additional Collector. Learned counsel even while arguing that the purchase register/stock register does not show supply on a single date admits that three purchases made on different dates in total comes to 262 quintals.

I have heard learned counsel for the parties and perused the records. The District Manager of the Corporation does accept the supply of 262 quintals by the Makra PACS on three dates in his letter addressed to the Managing Director present at Annexure C. Now whether the purchase was on a single date or on different dates the claim of the petitioner cannot be rejected on this count. The voucher supports a purchase of 262 quintals which stands supported in the purchase register. It is also admitted by the Corporation that they have made payment only for 4695.50 quintals of wheat as against the purchase of 5009.50 quintals.

Annexure C to the counter affidavit in my opinion puts on rest all speculations. A mere dispute in between the Corporation and the Centre Incharge which may have led to institution of a criminal case for missing 228 quintals again cannot deny the petitioner his relief. The supporting stand of the Additional Collector is again a factor supporting claim advanced by the petitioner. The Corporation is at liberty to take recourse to remedies available to them for securing their interest but that cannot be an impediment to the relief claimed by the petitioner.

In result, the writ petition is allowed and the District Manager, Bihar State Food and Civil Supplies Corporation, the respondent No.7 herein is directed to ensure the payment of admissible price of 262 quintals of wheat supplied by the petitioner within 3 months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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