

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8001 of 2015

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Niraj Kumar Seth. Son of Sri Madan Mohan Seth. Resident of Village -
Tamar, P.S.- Tamar, District - Ranchi (Jharkhand) Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
 2. The Divisional Commissioner, Food & Civil Supply Department,
Government of Bihar, Patna.
 3. The District Magistrate, Kaimur at Bhabhua.
 4. District Supply Officer, Kaimur at Bhabhua.
 5. District Manager, State Food Corporation, Kaimur at Bhabhua
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Shrawan Kumar Singh, Advocate

For the Respondents : Mr. Kinkar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 20-07-2015 The petitioner prays for quashing order dated 2.5.2015, issued by the District Manager, State Food Corporation, Kaimur at Bhabua, whereby he has been directed to deposit Rs.3,07,45,289.34 in favour of Bihar State Food and Civil Supply Corporation Ltd. for loss of paddy amounting 34,722 quintals for Purchase Center Chand (PPC) 1 and Rs.5,43,91,942.78 for loss of Paddy amounting 61,427.20 quintals for Purchase Center Chand (PPC) 2, at the rate of Rs.885.47 per quintal.

In the new assignment, as per letter dated 26.11.2013 of the District Magistrate, Kaimur, paddy was to be purchased from farmers between 15.11.2013 to 15.4.2014 at the scheduled price. After procurement of paddy, the same was to be made



available to the millers for its milling. Some of the millers refused to accept the entire quantity of paddy supplied to them on account of lack of adequate storage. According to the petitioner, as per Memo no. 155 17.2.2014, even if godown is full of paddy, still the paddy has to be purchased and be kept in open space and the Circle officer along with Officer in charge of police station will be liable to give protection. On account of storage problem, some of the paddy kept under open sky, got rusted. The petitioner had time and again vide his letter dated 8.3.2014, 24.4.2014, 15.5.2014 and 16.6.2014 requested the District Manager, the state Food Corporation to lift the paddy as soon as possible. The Block Agriculture officer and the In charge officer vide letter dated 20.12.2014 requested the District Manager to issue SIO for uplifting excess paddy which was not done. The petitioner thus submits that the impugned order dated 2.5.15 issued by the District Manager saddling him with the value of the paddy destroyed, is bad in law and fit to be set aside.

Having regard to the facts and circumstances of the case, the entire blame cannot be laid at the petitioner's door alone.

The petitioner would file his reply to the order dated 2.5.15 issued by the District Manager, State Food Corporation,

Kaimur at Bhabua within six weeks from today. Thereafter, the latter would submit a detailed report to the District Magistrate, Kaimur within further six weeks, who would duly scrutinize the report and fix the responsibility on the erring officials/employees for the loss.

Pending final order of the District Magistrate, no coercive steps would be taken against the petitioner for two months.

The writ petition is disposed of.

(Samarendra Pratap Singh, J)

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