

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10934 of 2011

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Krishna Kumar Singh S/O Sri Kapildeo Narayan Singh Owner Of Krishak Cold Storage, Barachakiya R/O Vill. - Ahirauliya, P.S. - Bara Chakiya, Distt. -East Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, East Champaran at Motihari.
2. The District Consumer Dispute Redressal Forum, East Champaran at Motihari through Its Chairman.
3. The Additional Collector, East Champaran at Motihari.
4. The District Horticulture Officer, East Champaran At Motihari.
5. Ritesh Kumar Singh S/O Sri Jitendra Prasad Singh R/O Vill. - Bhataha, P.S. -Shyampur Bhataha, Distt. -Sheohar.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No.11025 of 2011

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Krishna Kumar Singh S/O Sri Kapildeo Narayan Singh, Owner Of Krishak Gold Storage, Barachakiya R/O Vill.- Ahirauliya, Ps.- Bara Chakiya, Distt.- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate , East Champaran At Motihari
2. The District Consumer Dispute Redressal Forum East Champaran At Motihari Thru Its Chairman
3. The Additional Collector, East Champarana At Motihari
4. The District Horticulture Officer, East Champaran At Motihari
5. Surendra Narayan Singh S/O Late Sita Ram Singh R/O Mohalla-Murkurwa, P.S.- Rajepur, Distt- Erast Champaran

.... Respondent/s

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Appearance :

(In CWJC No.10934 of 2011)

For the Petitioner/s : Mr. Anil Kumar

For the State Mr. S.K. Saraf, AC to GP 18

(In CWJC No.11025 of 2011)

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. Rishiraj Sinha GP-19

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-09-2015

Heard Mr. Anil Kumar who has appeared in support of both the writ applications which raise common issue and the counsel for the State.

The present order will govern them.

The petitioner owns and runs a cold storage. During the potato season, the potato growers stored potato in the cold storage of the petitioner. Some farmers aggrieved by the service of the petitioner lodged a complaint before the District Consumer Forum (for short 'the Forum') alleging that owing to deficient service rendered by the petitioner they suffered loss as the potato stored in the cold storage got rotten. Upon hearing the both sides, the Forum passed an order for payment of compensation to the complainants @ Rs.600/- per quintal. Aggrieved thereby, the present writ application has been filed.

The contention of the petitioner is that the District Magistrate also passed an order for payment of compensation to the persons who had stored Potatoes in the cold storage of the petitioner and suffered loss. The District Consumer Forum has not considered this aspect of the matter. It has been pointed out that the regulation, by which the cold storage is governed, provides for compensation to be granted by the licensing authority. The order passed by the District Consumer Forum is, therefore, not sustainable in law.

The State respondent(s) have supported the impugned order and contended that if the petitioner is aggrieved by the order he may file appeal thereagainst as provided under the Consumer Protection Act, 1986.

Section 15 of the Act provides for filing an appeal by any person aggrieved by the order passed by the Forum. If a forum has been provided under the Statute itself, then it would not be appropriate for this Court to entertain the writ application on the questions/points raised therein. All questions of law and facts raised herein can effectively be raised before the appellate forum by the petitioner.

In view of aforesaid, this Court is not inclined to entertain the present writ application. The petitioner, if so advised, may approach the appellate authority for ventilation of his grievance after seeking condonation of delay on account of pendency of the writ petition in this Court.

The application(s) are dismissed.

(Kishore Kumar Mandal, J)

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