

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18267 of 2015

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1. Gauri Shankar Prasad Son of late Rameshwar Prasad resident of Mohalla-ward no. 14, Bargania, PS. Bargania, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operation, Government of Bihar, Patna.
2. The Principal Secretary, Department of Co-operation, New Secretariat, Bihar Patna.
3. The Registrar, Department of Co-operation, New Secretariat ,Bihar Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Bihar Patna.
5. The District Magistrate, Sitamarhi.
6. The District Co-oprative Officer, Sitamarhi.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Bihar Patna.
8. The Circle officer-cum-Enforcement officer, Bargania, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 30-11-2015 The petitioner is the Chairman of the Primary Agriculture Credit Cooperative Society registered under the Cooperative Societies Act, 1935 and complains against non-lifting of paddy/custom milled rice (CMR for the sake of brevity) by the Corporation for the production Season 2014-15.

The petitioner seeks his relief under the policy of the Government of India enforced by the State Government under circular dated 19.11.2014 for expeditious disposal of paddy/CMR.



The issue so raised in this writ petition came up for consideration before this Court in a batch of writ petitions arising from C.W.J.C.No.10728 of 2015 and C.W.J.C.No.11746 of 2015. This Court after hearing learned counsel for the Societies, the State, the Central Government as well as the Corporation concluded that such of the Societies whose stock purchase was supported by the enforcement certificate issued by the Enforcement Officer duly appointed by the District Magistrate of the district concerned and who had approached the Court before the cut of date fixed by the Government of India under the policy in question which is 31.8.2015 were entitled to the relief prayed. Thus on a twin principle that the stock purchase of the society concerned should be supported by the enforcement certificate issued by the Enforcement Officer and such society should have approached the Court before the cut of date fixed by the Government of India under its policy i.e. 31.8.2015 that the writ petitions were accordingly disposed of.

In the present case even when the petitioner complains of non-lifting admittedly, he has approached the Court after the cut of date fixed under the policy i.e. 31.8.2015 for the writ petition was filed on 24.11.2015. On the principles thus laid down by this Court in the writ petitions arising from C.W.J.C.No.10728 of 2015

and C.W.J.C.No.11746 of 2015, the petitioner having filed the writ petition on 24.11.2015 i.e after expiry of the policy on 31.8.2015, he is not found entitled for any indulgence and the writ petition is disposed of leaving it open to the petitioner to pursue his relief departmentally, if so advised.

(Jyoti Saran, J)

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