

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1160 of 2016

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Fakira Singh, son of Late Mahanth Singh, resident of Village- Bariyarpur,
P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection Govt. of Bihar.
2. The Development Commissioner, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Co-operative Officer, Sitamarhi.
5. The District Supply Officer, Sitamarhi.
6. The Assistant Registrar, Cooperative Society, Sitamarhi.
7. The Bihar State Food and Civil Supplies Corporation Limited, Patna through its Managing Director.
8. The District Manager, State Food and Civil Supplies Corporation Limited, Patna.
9. The Sitamarhi Central Cooperative Bank, Sitamarhi through its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the Opp. Party-State	:	Mr. Santosh Kumar Jha, GP-3
For the Opp. Party-BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-04-2016 Heard Mr. Sanjay Kumar, learned counsel appearing for the petitioner, learned counsel for the State and Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation.

The petitioner by this modification application while seeking permission to modify the statement made in paragraph 8 of the writ petition whereby an admission has been made by the petitioner of having received 1,50,000/- out of Rs.6,25,000/- being value of 595 quintals of paddy supplied by the petitioner

to the Corporation as per the enforcement certificate accordingly seeks the modification of the final order passed on the writ petition.

It is the submission of Mr. Sanjay Kumar, learned counsel appearing for the petitioner that due to communication gap that an incorrect admission had been made by the petitioner 'of receiving of Rs.1,50,000/-' when the fact remains that 'the entire paddy price of Rs.6,25,000/- remains outstanding for payment' and not a single farthing has been paid to the petitioner.

A representation of the petitioner is present at Annexure-5 to the writ petition and which also supports the submission made by Mr. Sanjay Kumar regarding non-payment of price of 595 quintals of paddy supplied by the petitioner.

In the circumstances discussed, learned counsel for the petitioner is permitted to modify the statement present at paragraph 8 of the writ petition during the course of the day and as a consequence the order dated 1.9.2015 passed in CWJC No.2885 of 2014 in so far as it records the admission of the petitioner in last paragraph at page 2 of the order regarding 'receipt of Rs.1,50,000/-' stands modified to mean that 'the entire price is payable to the petitioner' remains outstanding at

the hands of the Corporation..

Since this Court has already given liberty to the petitioner to raise his claim before the Respondent no.9, the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Sitamarhi who has been directed to make payment of the admissible dues of the petitioner, hence the District Manager, respondent no.9 would act accordingly.

The order dated 1.9.2015 passed in CWJC No.2885 of 2014 stands modified to that extent only.

This modification application is allowed.

(Jyoti Saran, J)

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