

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1029 of 2016

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Primary Agriculture Credit Cooperative Societies, Sattar, through its
Chairman, Arbind Yadav, son of Late Bhuvneshwari Yadav, resident of
Village- Khonha, P.O. Khadipur, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar, through the Registrar, Co-operative Societies,
Government of Bihar, Patna.
2. The Joint Registrar, Co-operative Societies, Koshi Commissioner,
Saharsa.
3. The Managing Director, Bihar State Food Corporation, Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Manager, Bihar State Food Corporation, Saharsa.
6. The District Co-operative Officer, Saharsa.
7. The Block Development Officer, Sattar Kataiya, Saharsa.
8. The Block Co-operative Officer, Sattar Kataiya, Saharsa.
9. The S.P. Rice Mills, Khonha, Block-Sattar Kataiya, District- Saharsa.
10. The Ambey Rice Mills, Panchgahhiya, Block-Sattar Kataiya, District-
Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Adv.
For the Respondent-State : Mr. R.R.K. Pandey, SC-29
For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-01-2016 Heard learned counsel for the parties.

The petitioner is a Cooperative Society registered under the
Cooperative Societies Act and has filed this writ petition through
its Chairman praying for a direction to the authorities of the
respondent-Corporation to accept the custom milled rice lying
with the respondent Nos. 9 and 10 and for payment thereof.
According to the petitioners the paddy in question has been
purchased from his member farmers and has been delivered at rice
mill i.e. respondent Nos. 9 and 10 for its conversion to custom

milled rice and since when it is lying in the rice mill itself with the Corporation refusing to accept the same.

The petitioner apparently raises his grievance under the policy framed by the Government of India in its Ministry of Consumer Affairs as enforced in the State of Bihar vide circular of the Chief Secretary dated 27.11.2014 whereunder the societies were given the responsibility to purchase paddy from its member farmers and to deliver the same at the purchase centers established by the respondent-Corporation in the light of enforcement certificates issued by Enforcement Officer appointed by the District Magistrate concerned certifying the purchase made by the society. The policy cast an obligation on the society to deliver the paddy so purchased until 15.4.2015 and whereafter it had to be converted to custom milled rice which also had to be delivered latest by 31.8.2015.

Mr. Pramod Rajpati, learned counsel for the petitioner with reference to the receipt present at Annexure-1 series submits that the paddy had indeed been delivered by the society within the time frame but is still lying with the rice mill and has not been accepted by the Corporation. Learned counsel in support of his submission regarding the validity of the purchase and its conversion to custom milled rice relies upon a report of the Block Development Officer

present at Annexure-3.

The issue so raised by the petitioner came up for consideration in a batch of writ petition in CWJC No. 10728 of 2015 (Auraiya Primary Agriculture Credit Cooperative Society Vs. The State of Bihar & Ors.) and C.W.J.C.No.11746 of 2015 (Panchpokharia Primary Agriculture Credit Cooperative Society Vs. The State of Bihar & Ors.) which related to the district of East Champaran and Gopalganj respectively and this Court in consideration of the rival contentions raised by the counsel for the petitioner, counsel for the Union of India, counsel for the State and the learned counsel for the Corporation disposed of the claim so raised by the society on a twin principles that is :

- a) The purchases claimed by the society should be supported by the enforcement certificate issued by the Enforcement Officer; and
- b) The society concerned should have approached the Court before the cut-off date fixed under the policy i.e. 31.8.2015.

Considering the claim raised by the petitioner so laid down by this Court it is seen from the documents that although they do support a purchase within the cut-off date as well the delivery by the petitioner to the rice mill within the prescribed period but considering that the petitioner has chosen to approach this Court

after the expiry of the policy on 31.8.2015, hence in view of the principles laid down by this Court in the case of Auraiya Primary Agriculture Credit Cooperative Society and Panchpokharia Primary Agriculture Credit Cooperative Society (supra) the petitioner having approached this Court after the cut off date is not held eligible for grant of any indulgence for the relief claimed.

In the circumstances so discussed, the writ petition is disposed of leaving it open for the petitioner to espouse his grievance departmentally.

(Jyoti Saran, J)

Bibhash/Deepika-

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