

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4033 of 2016

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1. Kumar Ram Niwas Son of Krishnandan Singh
 2. Nagendra Sharma son of late Lakchhami Singh
 3. Shatrughan Sharma son of late Shiv Pratap Singh
 4. Raj Prakash Sharma son of Shyam Narain Singh All are resident of Village-Khapuri Post Sadavah , Police station -Dulhin Bazar District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna
3. The Registrar, Co-operative Department , New Secretariat, Bihar, Patna.
4. The District Magistrate , District Patna.
5. The District Co-operative Officer, District Patna.
6. The District Manager, Bihar State Food and Civil Supplies Corporation (B.S.F.C.) District Patna
7. The Sub-Divisional Officer (S.D.O) Paliganj Sub-Division District Patna.
8. The Block Development Officer, Block- Dulhin Bazar, District Patna.
9. The Circle Officer, Block-Dulhin Bazar District Patna.
10. The Block-co-operative extension Officer Block Dulhin Bazar District Patna.
11. The Incharge Purchase Centre Lala Bhadasara Block Dulhin Bazar Sub Division Paliganj District Patna.
12. Shit Basant kumar , Chairman Primary Agriculture credit Co-operative Society ,Village Sadavah-Dorwa (In short PACS) Block Dulhin Bazar District Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.4355 of 2016

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1. Kamlesh Sharma, Son of Patiram Singh
 2. Talkeshwar Singh, Son of Nanhu Singh, Both are resident of Village-Khapuri, Post- Sadavah, Police Station- Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Civil Supply Department, Govt. of Bihar, Patna.
3. The Registrar, Co-operative Department, New Secretariat, Bihar, Patna.
4. The District Magistrate, District- Patna.
5. The District Co-operative Officer, District- Patna.
6. The District Manager, Bihar State Food and Civil Supplies Corporation (B.S.F.C.), District- Patna.
7. The Sub-Divisional Officer (S.D.O.), Paliganj Sub-Division, District- Patna.
8. The Block Development Officer, Block- Dulhin Bazar, District- Patna.

9. The Circle Officer, Block- Dulhin Bazar, District- Patna.
10. The Block Co-operative Extension Officer, Block- Dulhin Bazar, District- Patna.
11. The In-charge, Purchase Centre, Lala Bhadasara, Block- Dulhin Bazar, Sub-Division- Paliganj, District- Patna.
12. Shit Basant Kumar, Chairman, Primary Agriculture Credit Co-operative Society, Village- Sadavah- Dorwa (In short PACS), Block- Dulhin Bazar, District- Patna.

.... Respondent/s

Appearance :

(In CWJC No.4033 of 2016)

- For the Petitioner/s : Mr. Ram Naresh Sharma, Adv.
For the Respondent/s : Mr. Ajeet Kumar- SC28
For the Corporation : Mr. Shailendra Kumar Singh, Adv.
For the Society : Mr. Shashi Kant Kumar, Adv.

(In CWJC No.4355 of 2016)

- For the Petitioner/s : Mr. Ram Naresh Sharma, Adv.
For the Respondent/s : Mr. R.R.K. Pandey, S.C.29
For the Corporation : Mr. Shailendra Kumar Singh, Adv.
For the Society : Mr. Shashi Kant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 06-04-2016 Heard Mr. Ram Naresh Sharma, learned counsel for the petitioners, learned counsel for the State and learned counsel for the Corporation.

In these two writ petitions, the farmers have approached this Court complaining of non payment of the price of paddy supplied by them to the society during the Kharif Marketing Season 2014-15. Mr. Shailendra Kumar Singh learned counsel for the Corporation informed this Court that the society of which these petitioners are members had earlier approached this Court seeking a direction to the Corporation for making payment of the paddy supplied by the farmers including the present petitioners which



grievance was subject matter of C.W.J.C.No.11738 of 2015 and this Court considering the disputed circumstances did not grant indulgence. The writ petition was disposed of leaving it open to the parties to pursue their remedy as available in law. The records of the said writ petition was summoned and has been placed along with and a perusal of the order passed in the said writ petition confirms the submission of Mr. Shailendra Kumar Singh.

Now these petitioners claiming to be the members of the Sadavah Dorwa Primary Agriculture Credit Cooperative Society while submitting that they made paddy supply to the Society but have received no payment thereof, seek appropriate directions.

As I have already mentioned that the society has come before this Court earlier in C.W.J.C.No.11738 of 2015 seeking a direction to the Corporation to accept supply which prayer of the Society did not find favour in view of the disputed nature of issues and as informed by Mr. Shashi Kant Kumar appearing for the society, the matter is pending before the Registrar, Cooperative Society on a dispute so raised by the society.

In the circumstances discussed above and considering that the dispute raised herein is in between the farmers and the societies, in my opinion, the remedy for the petitioners would lie before the Registrar under Section 48 of the Bihar Cooperative

Societies Act, 1935 and the petitioners if so advised may take recourse thereto.

The writ petitions are accordingly disposed of. It goes without saying that since the grievance raised concerns the payment of the farmers for the paddy supplied by them, the Registrar, Cooperative Society shall dispose of any such claim raised in accordance with law preferably within three months of its receipt.

(Jyoti Saran, J)

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