

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5221 of 2016

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Chandeshwar Safi, son of Adhik Lal Safi, resident of Village- Pallar, P.O.-
Kulhariya, P.S.- Andhrathandhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Supply Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna.
4. The Registrar, Cooperative Societies, Cooperative Department, Government of Bihar, Patna.
5. District Magistrate –cum- Collector, District- Madhubani.
6. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Madhubani, District- Madhubani.
7. The District Cooperative Officer, Madhubani.
8. The Block Development Officer, Andhrathadhi, District- Madhubani.
9. The Store in Charge, State Food Corporation (P.P.C.), Andhrathadhi Centre, P.S.- Andhrathadhi, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
For the Respondent-State	:	Mr. D.K. Prasad, GP-7
For the Respondent-SFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the parties.

In this writ petition the petitioner has prayed for a direction to the authorities of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as ‘the Corporation’) to make payment of the paddy supplied.

The writ petition is bereft of the documents supporting such supply. On the other hand, it is argued by Mr. Shailendra Kumar Singh, learned counsel appearing for the Corporation that



whatsoever the supply made by the petitioner to the Corporation, the admissible payment has been made. He further submits that in so far as the balance paddy is concerned, the same according to the petitioner himself is lying with the rice mill with no supply to the Corporation. He submits that since the cut-off date under which such supply was to be taken during the Khariff Marketing Season 2014-15 stood expired on 31.8.2015, hence the petitioner is not entitled to any such relief for the remaining paddy whatsoever in view of the legal position settled by this Court in the judgment rendered in the case of Auraiya Primary Agriculture Credit Cooperative Society Ltd. vs. The State of Bihar arising from CWJC No.10728 of 2015.

Having heard learned counsel for the parties and considering the nature of the grievance and taking note of the judgment passed in the case of **Auraiya Primary Agriculture Credit Co-operative Societies Ltd.** (supra) no direction can be issued to the Corporation to receive any paddy. However, even while declining to give any indulgence on this issue this Court gives liberty to the petitioner to represent before the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Madhubani in case any payment of price of paddy remains outstanding in respect of admitted supply.

It goes without saying that any such representation being filed by the petitioner together with supportive document would be considered and disposed of by the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Madhubani in accordance with law and in case the claim is not upheld the same should be disposed of by a speaking order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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