

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1920 of 2016

Itahari Primary Agriculture Credit Cooperative Society, through its Chairman, namely, Birendra Kumar, son of Shri Laddu Mandal, resident of Village- Itahari, Police Station- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, namely Dr. Deepak Prasad, son of not known to the petitioner, Department of Food and Consumer Protection, Bihar, Patna.
2. Shri Prakash Kumar, son of not known to the petitioner, presently posted as the Director, Food and Consumer Protection, Bihar, Patna.
3. Md. Sohail, son of not known to the petitioner, presently posted as Collector - cum- District Magistrate, Madhepura.
4. Shri Rajesh Kumar, son of not known to the petitioner, presently posted as District Supply Officer, Madhepura.
5. Mr. Mukesh Sahu, son of not known to the petitioner presently posed as Sub-Divisional Officer, Uda- Kishunganj, District- Madhepura.
6. Mr. Jhunjhun Mallick, son of not known to the petitioner presently posed as Block Supply Officer, Alamganj, District- Madhepura.
7. The Bihar State Food and Civil Supplies Corporation Limited, Patna through the Managing Director, namely, Shri Ganga Kumar son of not known to the petitioner.
8. Shri Ganga Kumar, son of not known to the petitioner presently posed as Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
9. Shri Naushad Ahmed Khan, son of not known to the petitioner presently posed as District Manager, Bihar State Food and Civil Supplies Corporation Limited, Madhepura.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Adv.
For the State : Mr. Harendra Kumar, Adv.
For the Respondent-Corporation : Mr. Aditya Prakash Sahay, Adv

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-11-2016 Heard Mr. Ranjit Kumar Singh learned counsel for the petitioner, learned State counsel and Mr. Aditya Prakash Sahay learned counsel for the Corporation.

The contempt application is filed alleging non compliance of the judgment and order passed by this Court in C.W.J.C.No.15102 of 2015 whereby this Court after taking note of the grievance raised by the petitioner regarding non-refund of the

advance deposited by the petitioner against the supply of food grains by the Corporation, had directed the District Manager of the Corporation to consider the grievance and dispose of the same within a period of three months of the filing of the representation.

A show cause has been filed today enclosing a copy of the Bank draft and it is stated at paragraphs 4 and 5 of the show cause that a cross cheque for an amount of Rs.1,44,171.75 stated to be the balance advance of the petitioner lying with the Corporation, has since been refunded. It is thus submitted that the grievance raised has been disposed of.

Mr. Singh learned counsel for the petitioner has submitted that although a refund has been made but it does not accompany any interest. In my opinion, such grievance of the petitioner is an independent cause of action and cannot be a subject matter of a contempt proceeding considering the import of the directions issued by this Court requiring a plain disposal of the claim raised by the petitioner by the Corporation. The petitioner if so advised may take recourse to such remedy so available to him in law for claiming interest but for the present nothing survives in the contempt application which is accordingly disposed of.

(Jyoti Saran, J)

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