

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16960 of 2013

=====

1. Pramod Kumar S/O Sri Ramnarayan Yadav Resident of Village- Mohanpur, P.S. Sitamarhi, District- Sitamarhi, Chairman of Mehsaul West Primary Agricultural Credit Society, Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Sitamarhi

2. The Bihar State Food and Civil Supply Corporation, through its Managing Director, Bihar Patna

3. The District Manager, Bihar State Food and Civil Supply Corporation, Sitamarhi

4. The District Co-Operative Officer, Sitamarhi

5. The District Supply Officer, Sitamarhi

6. The Godown in Charge, State Food Corporation, Dumra, Sitamarhi

7. The Supervisor-Cum-Block Agriculture Officer, Dumra, Sitamarhi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Respondent/s : Mr. Gautam Bose, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-04-2016

Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner, learned counsel for the State and Mr. Shailendra Kumar Singh for the respondent-Corporation.

In this case, the petitioner who is the Chairman of the Mehsaul West Primary Agriculture Credit Cooperative Society (hereinafter referred to as the 'Mehsaul West PACS') in the district of Sitamarhi, has prayed for a direction to the authorities of the Corporation to make payment of the price of 512.20 quintals of paddy claimed to have been supplied by the society to the Corporation at the rate of Rs.1304/- per quintal which according to the petitioner comes to Rs.06,68,113/-.



Mr. Agrawal, learned Senior Counsel for the petitioner has with reference to Annexure-4 to the rejoinder filed today submitted that the paddy in question was purchased by the petitioner from the member farmers and is supported by the enforcement certificate issued by the competent authority on 25.3.2013, a copy of which is placed at Annexure-4. He submits that the supply was effected with the Corporation on the very next date i.e. 16.4.2013 and which is manifest from Annexure-1 vide Voucher No.98 but the payment has been avoided. According to Mr. Agrawal, similarly situated society who have effected delivery on 16.4.2013 has been given their payment but the Corporation has not entertained their claim inter alia on grounds that the Voucher No.98 mentioned in the inward goods register contains different details. According to Mr. Agrawal, the Corporation by manipulating the records is trying to deprive the petitioners of their justful claims.

The argument of Mr. Agrawal has been contested by Mr. Shailendra Kumar Singh appearing for the Corporation and who has referred to an enquiry report of the Deputy Development Commissioner to submit that the purchase was doubted and has led to institution of a criminal case giving rise to Dumra P.S. Case No. 243 of 2013. He submits that the enquiry report is placed at Annexure-D of the counter affidavit filed on behalf of the Corporation and the

registration of the case is reflected from Annexure-E to the counter affidavit. According to Mr. Singh, the delivery itself has been doubted and although the Corporation has made payment for the admitted supplies but in so far as the present claim is concerned, it has been doubted and which is now a subject matter of a criminal case.

Having heard learned counsel for the parties and considering the disputed nature of contest raised where each of the parties are relying upon their respective documents to establish their claim coupled with the fact that the dispute has translated in a criminal proceeding, I am not persuaded to go into the disputed nature of contest to grant indulgence to the grievance raised by the petitioner herein and the writ petition in these contested circumstances is accordingly disposed of leaving it open for the petitioner to pursue such remedy for establishing his claim as may be available to him in law.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--