

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4273 of 2015

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1. Arvind Singh, son of Ram Ashish Singh, resident of Village & P.S: Rajpur, District: Buxar.
 2. Angad Singh, son of Sukhad Singh, resident of Village: Hakarpur, P.S: Rajpur, District: Buxar.
 3. Rajeshwar Singh, son of Ram Bilash Singh, resident of Village: Uttampur, P.S: Rajpur, District: Buxar.
 4. Awadhesh Singh, son of Gupteshwar Singh, resident of Village: Hethua, P.S: Rajpur, District: Buxar.
 5. Arvind Singh, son of Durga Singh, resident of Village: Sangrawan, P.S: Rajpur, District: Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, State of Bihar, Patna.
3. The Managing Director, Bihar State Food Corporation, Patna.
4. The Principal Secretary, Department of Co-operative, Govt. of Bihar, Patna.
5. The Divisional Commissioner, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vindhaya Keshari Kumar, Sr. Advocate
Mr. Neeraj Kumar, Advocate
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. AVINASH KUMAR, SC-30
Mr. Manoj Kumar Sinha, AC to SC-30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-01-2016

Heard Mr. Vindhaya Keshari Kumar, learned senior counsel appearing for the petitioners, counsel for the State and counsel for the Bihar State Food and Civil Supplies Corporation.

Although the five writ petitioners who are Chairman of the respective Cooperative Societies raise a grievance regarding non-payment of the paddy supplied but considering that the issue in dispute has resulted in a Police Case arising from Rajpur P.S. Case No. 126 of 2015 wherein these petitioners have been charged with

procuring payment vouchers without effecting supply of the paddy in question coupled with the stand taken by the Purchase Centre In-Charge as reflected in his letter dated 24.6.2015 present at Annexure-A to the counter affidavit of the Corporation in which it is stated that these petitioners have obtained vouchers without supply of paddy, this Court exercising writ jurisdiction would refrain from entering into disputed arena of facts.

Mr. Vindhaya Keshari Kumar, learned senior counsel appearing for the petitioners though has very strenuously argued that the issuance of the purchase vouchers itself is sufficient indication of the paddy supply but considering the conflicting circumstances resulting in the criminal case as well as the stand of the Purchase Centre In-Charge, I am of the considered opinion that in the nature of the disputed claims subsisting, no positive direction can be issued. The petitioners, if so advised, are free to take recourse to other remedy / forum that is available to them in law to establish by leading evidence that they have factually supplied the paddy to the Purchase Centre In-Charge but have not received its payment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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