

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12105 of 2016

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Parmanandpur Primary Agriculture Cooperative Society (P A C S), Block -
Raghopur, P.S. - Karjain Bazar, District - Supaul, through its Chairmn Yogendra
Nath Mishra. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
 3. The Principal Secretary, Cooperative Department, Government of Bihar, Patna.
 4. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Bihar, Patna.
 5. The District Magistrate, Supaul.
 6. The District Cooperative Officer, Supaul.
 7. The District Manager, Bihar State Food and Civil Supplies Corporation, Supaul.
 8. The Block Development Officer, Raghopur.
 9. The Circle Officer, Raghopur.
 10. The Block Cooperative Extension Officer, Raghopur. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate Mr. Girijish Kumar, Advocate
For the State	:	Mr. Rakesh Prabhat, AC to SC-21
For BSFC	:	Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 12-08-2016

Heard learned Senior Counsel for the petitioner and

learned counsels for the State as also for the Bihar State Food and

Civil Supplies Corporation.

The petitioner seeks quashing of the letter dated

13.4.2016, in so far as it concerns the petitioner, issued by the

District Co-operative Officer, Supaul addressed to the Branch

Manager, Bihar State Cooperative Bank, Branch- Bihat, Begusarai

by which instruction/direction was given not to make payment and

not to accept the Custom Milled Rice (CMR) of 18 PACS

including the petitioner and further direction to the respondent-

authorities particularly the District Magistrate, Supaul to accept

3661.55 quintals CMR of 5465 quintal paddy which is lying in the godown of the petitioner as well as the godown hired by the petitioner and further direction to make payment for 5416.28 quintal CMR having the price of Rs. 1,23,80,976 with interest since the same has been deposited/unloaded in the godown of BSFC on different dates during the financial year 2015-16 and for other consequential orders.

After considering the fact that the Block Development Officer, Raghopur in his report dated 11.6.2016 had found that the petitioner had already supplied 5416.28 quintals of CM Rice equivalent to 8084 quintals of paddy and had further found that there was 3000 quintals and 2465 quintals of paddy which was equivalent to 5465 quintals in the godown of the petitioner's PACS and the godowns hired by him respectively which was in accordance with the figures of paddy supplied by the farmers and enforcement issued by the District Manager and further considering the submission that the last date fixed for receiving the CM Rice was 31.7.2016 and if the same is not received the petitioner would be put to severe losses, by order dated 29.07.2016 this Court directed the respondents to ensure that the CM Rice supplied by the petitioner is accepted by the Bihar State Food & Civil Supplies Corporation.

Today it is informed by learned counsel for the

parties that the said quantity of CM Rice has been supplied and accepted in the godown of the Bihar State Food and Civil Supplies Corporation.



In the counter affidavit filed on behalf of the respondent No. 6, it is stated that upon going through the office records, the present District Co-operative Officer could not find any reason why the then District Co-operative Officer, Supaul has issued such type of letter directing the Branch Manager, State Co-operative Bank, Bihat, Begusarai not to accept the CMR and not to make payment to the 18 PACS including the petitioner. It is further submitted that the District Magistrate, Supaul taking notice of the matter convened a meeting on 30.7.2016 with respect to acceptance of CMR and its payment comprising of the District-Cooperative Officer, Supaul, the District Manager, SFC, Supaul and the District Supply Officer, Supaul under the Chairmanship of the District Magistrate, Supaul and it was decided in the meeting to inform the Co-operative Department about the development and after receiving the approval/direction payment shall be made to the PACS with regard to the CMR received.

Pursuant to the same the letter dated 5.8.2016 has also been sent to the Registrar, Co-operative Societies, Bihar, Patna for his approval/guidelines with regard to the payments of 18 PACS including the petitioner and as soon as the same are received

payment shall be made to them.

In the aforesaid circumstances, it is evident that the respondent No. 6 accepts that there was no justification for the issuance of the letter dated 13.4.2016 by the then District Co-operative Officer, Supaul. It is also clear that the respondents have accepted the case put forward by the petitioner and in terms of this Court's order and on their own realization, they have accepted the CMR supplied by the petitioner and are taking steps for payment of the same.

In the above circumstances, the writ application is allowed. The letter dated 13.4.2016 issued by the District Co-operative Officer, Supaul, in so far as it concerns the petitioner, is quashed and the respondents are directed to make payment of the custom milled rice supplied by the petitioner within a period of three weeks from today.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2016
Transmission Date	