

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14618 of 2015

1. Prathmik Drishi Sakh Sahyog Samiti, Devangadh, Kauwakol, Nawada through the Chairman namely Upendra Kumar Son of Bindeshwari Paswan resident of Bhorambagh, P.S. Kauwakol, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies Corporation, Government of Bihar, Patna
2. The Principal Secretary, Department of Food & Civil Supplies Corporation, Government of Bihar, Patna
3. The Principal Secretary, Department of Co - Operative, Government of Bihar, Patna
4. The Bihar State Food & Civil Supplies Corporation through its Managing Director, Patna
5. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna
6. The District Magistrate, Nawada
7. The District Manager, Bihar State Food & Civil Supplies Corporation, Nawada
8. The District Co - Operative officer, Nawada
9. The District Supply officer, Nawada
10. The Branch Manager (I/C), Nawada Central Co - Operative Bank, Kauwakol Branch, Nawada

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 14673 of 2015

1. Mansoor Alam Son of Late Munis Mian Village - Kesru, P.S. Chandauti, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Food and Civil Supply, State of Bihar, Patna
3. Collector, Gaya District Gaya
4. Additional Collector, Gaya
5. S.D.O. Gaya Sadar, Gaya
6. B.D.O. Nagar Prakhand, Gaya
7. Block Agriculture officer - Cum - Kraya Prabhari Nagar Prakhand, Gaya
8. Block Cooperative Officer, Nagar Prakhand, Gaya
9. Block Supply Officer, Nagar Prakhand, Gaya
10. The Bihar State Food and Civil Supply Corporation through its Managing Director.
11. The District Manager S.F.C, Gaya.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 14755 of 2015

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1. Sunil Kumar Singh son of late Ram Prasad Singh resident of Village- Kumhau, Anchal and Police Station- Shivsagar, District- Rohtas at Sasaram.
 2. Manish Kumar Singh son of Sri Shiv Parshan Singh, resident of Village- Parashdiha, Anchal and Police Station- Shivsagar, District- Rohtas at Sasaram.
 3. Prithvi Narayan Singh @ Prithvi Nr. Singh son of Sri Kul Bansh Singh, resident of Village- Morikap, Anchal and Police Station- Shivsagar, Out Post- Baddi, District- Rohtas at Sasaram.
 4. Pradeep Kumar Singh @ Pradeep Kr. Singh son of Sri Binod Singh, resident of village- Bambhour, Anchal and Police Station- Shivsagar, district- Rohtas at Sasaram.
 5. Satya Narayan Singh son of Late Sudarshan Singh, resident of village- Rehari, Anchal and Police Station- Kargahar, Out Post- Badhari, District- Rohtas at Sasaram.
 6. Gobardhan Singh son of Sri Indradev Singh, resident of Village- Fakili, Anchal and Police Station- Kargahar, District- Rohtas at Sasaram.
 7. Sharad Chandra son of Sri Dharamraj Singh, resident of village- Kharari, Anchal and Police Station- Kargahar, District- Rohtas at Sasaram.
 8. Sanjay Singh son of late Shiv Shanker Singh, resident of village- Muradabad, Anchal and Police Station- Sasaram, District- Rohtas at Sasaram.
 9. Madhurendra Upadhyay son of Late Shanker Dayal Upadhyay, resident of village- Rakashiya, Anchal- Sasaram, Police Station- Sasaram (Agrer), District- Rohtas at Sasaram
 10. Akhilesh Kumar son of late Harihar Singh, resident of Village- Bhaisahi, Anchal- Sasaram, Police Station- Sasaram (M), District- Rohtas at Sasaram.
 11. Baban Singh son of late Ram Belash Singh, resident of village- Imbrahimpur, Anchal-Chenari, Police Station- Chenari, District- Rohtas at Sasaram.
 12. Umesh Singh son of late Rampujan Singh, resident of village- Dharupur, Anchal- Nokha, Police Station-Nokha, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Supply Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna.
4. The Registrar, Co-operative Societies, Co-operative Department, Government of Bihar, Patna.
5. The District Magistrate Cum Collector, Rohtas at Sasaram.
6. The District Manager, Bihar state Food Corporation, Rohtas at Sasaram.
7. The District Co-operative Officer, Rohtas at Sasaram.
8. The Additional Collector, Rohtas at Sasaram.
9. The Block Co-operative Extension/Prasar Officer Cum Incharge Paddy Purchase Centre (PPC-2), Shivsagar, under District- Rohtas.
10. The Block Co-operative Extension/Prasar Officer Cum Incharge Paddy Purchase Centre (PPC-2), Shivsagar, under District- Rohtas.
11. The Block Co-operative Extension/Prasar Officer Cum Incharge Paddy Purchase Centre (PPC-2), Chenari, under District- Rohtas at Sasaram.
12. The Block Co-operative Extension/Prasar Officer Cum Incharge Paddy Purchase Centre (PPC-2), Nokha, under District- Rohtas.
13. The Anchal Adhikari, Shivsagar, under District- Rohtas.
14. The Anchal Adhikari, Kargahar, under district- Rohtas.

15. The Anchal Adhikari, Sasaram, under district- Rohtas.
16. The Anchal Adhikari, Chenari, under district- Rohtas.
17. The Anchal Adhikari, Nokha, under district- Rohtas.
18. Union of India through the Secretary, Ministry of Consumer Affairs, null Food & Public Distribution, Department of Food and Public Distribution, New Delhi

.... Respondent/s

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Appearance :

(In CWJC Nos. 14618 of 2015, 14673 of 2015 & 14755 of 2015)

For the Petitioner/s : Mr. Amish Kumar, Adv.
: Mr. Rajni Kant Jha, Adv.
: Mr. Ramchandra Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
: Mr. Nirmal Kumar, Adv.
For the State : Mr. G.P. Ojha, GP 22.
: Mr. Din Bandhu Singh, GP 9
: Mr. Nasrul Hoda Khan, SC 18.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-02-2016

Heard the parties.

All these matters raise common grievance and hence have been heard analogous and with the consent of the parties are being finally disposed of at the stage of admission itself.

The petitioners happen to be either a Cooperative Society registered under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') or its Chairman and have raised common grievance regarding non lifting of the paddy purchased by these societies from its member farmers by the Corporation.

The petitioners seek a direction to the authorities of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the 'Corporation') to accept the supply and make payment

thereof. The relief is founded on a scheme of Government of India in its Ministry of Consumer Affairs as enforced in the State of Bihar under the circular of the Chief Secretary dated 19.11.2014 where under these Cooperative societies were required to make supply of paddy until 15.04.2015 and where after they were required to supply custom milled rice which also had to be made until 31.08.2015.

The grievance as raised by these petitioners was considered by this Court in a batch of writ petitions arising from C.W.J.C.No.10728 of 2015 and C.W.J.C.No.11746 of 2015 and this Court after considering the scheme and upon hearing the counsel for the Cooperative Societies, the Union of India who are the framers of the scheme, the State of Bihar who enforced the Scheme as also the Corporation who had to execute the scheme, upheld the claim of such of these societies whose purchases were made until 31.03.2015 and were supported by enforcement certificate issued by Enforcement Officer duly appointed by the District Magistrate concerned subject to the condition that the Cooperative Society had approached this Court within the cut of period fixed under the scheme which was 31.08.2015. Thus on a twin principle, namely :

(A)That the purchase of the Cooperative Societies was supported by enforcement certificate issued by the Enforcement Officer; and

(B)The Cooperative Societies had approached this Court on or before 31.08.2015 that this Court proceeded to consider the claim advanced by the societies.

Although the present batch of writ petitions also raise identical issues regarding non lifting of the paddy/custom milled rice by the Corporation as well as non payment of price by the Corporation but admittedly, these petitioners have approached the Court after the cut of date fixed under the Scheme i.e. 31.08.2015.

On the principles thus laid down by this Court in the writ petitions arising from C.W.J.C.No.10728 of 2015 and C.W.J.C.No.11746 of 2015, these petitioners are not found eligible for consideration of their grievance. The writ petitions are accordingly, disposed of leaving it open for the petitioners to raise their grievance departmentally.

(Jyoti Saran, J)

Prakash/-

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