

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15669 of 2015

Santosh Kumar Singh, son of Heera Lal Singh, resident of village -
Berushankar P.S. - Patohi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Co-operative Department Government of Bihar, Patna.
2. The Registrar Cooperative Society Government of Bihar, Patna.
3. The Managing Director, Bihar State Food Cooperation, Government of Bihar, Patna.
4. The Joint Registrar Cooperative Societies Tirhut Division, Muzaffarpur.
5. The District Magistrate, Motihari, East Champaran.
6. The District Cooperative Officer Motihari, East Champaran.
7. The District Manager, State Food Corporation Motihari, East Champaran.
8. The District Registrar, Cooperative Societies, Motihari, East Champaran.
9. The Sub Divisional Officer Pakridayal, Sub Division East Champaran.
10. The Block Development Officer-cum-Purchase Kendra Incharge, Patohi, East Champaran.
11. The Block Development Officer, Patohi, East Champaran.
12. The Chairman Saraiya Gopal PACS East Champaran.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent-State : Mr. Kundan Bahadur Singh, S.C.-22
For the Respondent No.12 : Mr. Yogendra Mishra, Advocate
For BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-02-2016

Heard the learned counsel for the parties.

The grievance of the petitioner is regarding non-lifting of the paddy by the Saraiya Gopal Primary Agriculture Credit Co-operative Society, Patohi Block in the district of East Champaran.

Mr. Yogendra Mishra appears for the Respondent No. 12-Society to submit that the petitioner in fact is a member of Barashankar Primary Agriculture Credit Co-operative Society and for some irregularities in the said society that these farmers were

attached to the respondent no. 12-Society. According to Mr. Mishra the corporation never lifted the paddy and in the consequence it remained with the farmers and the petitioner has approached after the expiry of the Scheme.

Although the responsibility of purchase of the paddy in question in view of the tagging of these farmers belonging to Barashankar Cooperative Society lies with the respondent no. 12 and though the purchase is stated to have been made on 30.3.2015 but no steps were taken by the petitioner for ensuring its lifting by taking recourse to any departmental or judicial remedy. On the contrary the petitioner has approached this Court after the expiry of the scheme on 29.9.2015 when the scheme expired on 31.8.2015. In view of my order passed in CWJC 10728 of 2015 and CWJC No. 11746 of 2015, no direction can be issued in the circumstances discussed save and except that the petitioner if so advised can either raise a dispute before the prescribed authority under Section 48 of the Bihar Co-operative Societies Act, 1935 against the respondent no.12 or be at liberty to sell the paddy in open market.

The writ petition is disposed of.

(Jyoti Saran, J)

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