

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10975 of 2015

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Sanjeev Kumar Singh, son of Shri Radha Mohan Singh, resident of village - Ibrahimpur, Police Station - Paharpur, District - East Champaran, Presently Chairman of West Siswa PACS, Police Station - Paharpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Secretary, Bihar State Food Corporation, Patna, Bihar.
4. The District Cooperative Officer, District East Champaran at Motihari.
5. The District Manager, Bihar State Food Corporation, East Champaran at Motihari.
6. The B.C.E.O., Block Paharpur, District - East Champaran, Motihari.
7. M/s Shri Krishna Rice Mill, Village Bawariya, Police Station - Paharpur, District - East Champaran.
8. The L.R.D.C., Areraj Sub Division, District - East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Respondent/s : Mr. Avinash Kumar
For the Respondent-BSFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 24-02-2016 Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner, learned counsel for the State and learned counsel for the Corporation are present and have been heard.

The petitioner happens to be the Chairman of West Siswa Primary Agriculture Credit Cooperative Society in the district of East Champaran and makes a complaint against the authorities of the respondent-Bihar State Food and Civil Supply Corporation in not taking steps for receiving the custom milled rice (hereinafter referred to as the 'CMR') which remains lying

with the respondent no.7-Rice Mill.



Mr. Sanjay Kumar, learned counsel appearing for the petitioner with reference to a judgment of this Court passed in a batch of cases arising from CWJC No.10728 of 2015 (Auraiya Primary Agriculture Credit Cooperative Society Ltd. vs. The State of Bihar) and analogous cases submits that identical issue being raised, this Court on examination of the scheme so formulated by the Union of India as enforced by the State Government and executed by the Corporation has upheld such claims in which the balance stock of the paddy/'CMR' claimed by the respondent-Society stood supported by the enforcement certificate issued by the Enforcement Officer duly appointed by the District Magistrate concerned and the society concerned had approached the Court raising such grievance within the stipulated period of the scheme which expired on 31.8.2015. It is submitted that the petitioner fulfills both the stipulations on which the claims were upheld by this Court in the case of Auraiya Primary Agriculture Credit Corporative Society (supra).

Having heard learned counsel for the parties and considering the stand of the petitioner as noted hereinabove this writ petition is disposed of with a direction to the District Manager, Bihar State Food and Civil Supply Corporation, East

Champan, to examine the claim of the petitioner in the backdrop of the judgment of this Court rendered in the case of Auraiya Primary Agriculture Credit Cooperative Society (supra) and in case the balance stock of 'CMR' of the petitioner stands supported by the enforcement certificate then the supply thereof should be accepted within a fortnight from the date of receipt/production of a copy of this order and admissible price be paid.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

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