

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13872 of 2015

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Anhari Primary Agriculture Credit Cooperative Societies, through its Chairman namely Rakesh Rai, son of Sri Ram Swarath Rai Resident of Village and P.O. Anhari, P.S. Riga, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District Sitamarhi.
4. The Sub-Divisional officer, Sadar, Sitamarhi, District Sitamarhi.
5. The District Supply officer, Sitamarhi, District Sitamarhi.
6. The Circle officer, Riga, District Sitamarhi.
7. The Block Cooperative officer, Riga, District Sitamarhi.

.... Respondents 1st set

8. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel path, Patna through the managing Director.
9. The Managing Director Bihar state Food and Civil Supply Corporation, Sone Bhawan, Birchand patel Path, Patna.
10. The District Manager, Bihar State Food & Civil Supplies Corporation Corporation, Sitamarhi, District Sitamarhi.

.... Respondents 2nd set

with

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Civil Writ Jurisdiction Case No. 13878 of 2015

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Bhutahi Primary Agriculture Credit Cooperative Societies, through its Chairman namely Birendra Panjiyar Son of Sri Hari Narayan Panjiyar resident of Village- Bhutahi, P.s Sonebarsa, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District Sitamarhi.
4. The Sub-Divisional officer, Sadar, Sitamarhi, District Sitamarhi.
5. The District Supply officer, Sitamarhi, District Sitamarhi.
6. The Circle officer, Riga, District sitamarhi.
7. The Block Cooperative officer, Riga, District Sitamarhi.
8. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel path, Patna through the managing Director.
9. The Managing Director Bihar state Food and Civil Supply Corporation, Sone

Bhawan, Birchand patel Path, Patna.
10. The District Manager, Bihar State Food & Civil Supplies Corporation
Corporation , Sitamarhi, District Sitmarhi.



.... Respondent/s
with

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Civil Writ Jurisdiction Case No. 14073 of 2015

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Puran Prasad Sahi son of Late Jagan Prasad resident of village- Jamuan, P.S.
Bargania, District - Sitamarhi

.... Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
3. The Bihar State Food and Civil Supplies Corporation, through its Managing Director
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna
5. The District Co - Operative officer, Sitamarhi
6. The District Manager, Food and Civil Supplies Corporation, Sitamarhi
7. The Enforcement Officer -cum- Circle Officer, Bargania, Sitamarhi

.... Respondent/s
with

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Civil Writ Jurisdiction Case No. 14192 of 2015

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Ramjanam Sah son of Late Rambilash Sah, Resident of Village - Mashan Narottam,
P.S. - Bargania, District - Sitamarhi.

.... Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation, through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
5. The District Co-operative Officer, Sitamarhi.
6. The District Manager, Food and Civil Supplies Corporation, Sitamarhi.
7. The Enforcement Officer - cum - Circle Officer, Bargania, Sitamarhi.

.... Respondent/s
with

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Civil Writ Jurisdiction Case No. 11720 of 2015

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Bagaha Primary Agriculture Credit Cooperative Societies through its Chairman
Namely Ramayan Mandal Son of late Ram Chandra Mandal resident of Village and
P.O. Bagaha , P.s Kanhauli, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer
Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Department, Govt. of Bihar,
Patna.
3. The District Magistrate, Sitamarhi, District Sitamarhi.
4. The Sub-Divisional officer, Sadar, Sitamarhi, District Sitamarhi.
5. The District Supply officer, Sitamarhi, District Sitamarhi.
6. The Circle Officer, Sonebarsa, Sitamarhi, District Sitamarhi.
7. The Block Cooperative officer, Sonebarsa, Sitamarhi, District Sitamarhi.
8. The Bihar State Food and Civil Supplies Corporation, Ltd Sone Bhawan,
Birchand Patel path, Patna, Bihar.
9. The Managing Director, Bihar State Food and Civil Supplies Corporation, Ltd
Sone Bhawan, Birchand Patel path, Patna, Bihar. null null
10. The District Manager, Bihar State Food & Civil Supplies Corporation
Corporation , Sitamarhi, District Sitamarhi.
11. The Union of India through Ministry of Food and Civil Supplies, New Delhi

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11066 of 2015

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Posua Pataniya Primary Agriculture Credit Cooperative Societies, Riga, Sitamarhi
through its Chairman namely Bijendra Kumar Yadav, Son of Sri Ramchandra Rai,
resident of village- Buniyadi Tola, P.O. Posua, P.S. Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Joint Registrar, Cooperative Societies, Tirhut Division, Muzaffarpur.
5. The District Magistrate Sitamarhi, District- Sitamarhi.
6. The Sub-Divisional Officer, Sadar Sitamarhi, District- Sitamarhi.
7. The District Supply Officer, Sitamarhi, District- Sitamarhi.
8. The Circle Officer, Riga, District- Sitamarhi.
9. The Block Cooperative Officer, Riga, District- Sitamarhi.

10. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna through the Managing Director.
 11. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna.
 12. The District Manager, Bihar State Food and Civil Supplies Corporation, Sitamarhi District- Sitamarhi.

.... Respondent/s

Appearance:

(In CWJC No. 13872 of 2015)

For the Petitioner/s : Ms. Anita Kumari, Advocate
 Mr. S.B.K. Manglam, Advocate
 Mr. S.B.K. Manglam, Advocate
 For the Respondent/s : Mr. SUNIL KR. MANDAL
 For the Union of India: Mr. S.D. Sanjay, Additional S. General
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 13878 of 2015)

For the Petitioner/s : Ms. Anita Kumari, Advocate
 Mr. S.B.K. Manglam, Advocate
 For the Respondent/s : Mr. KUMAR PRIYA RANJAN, SC-23
 For the Union of India: Mr. S.D. Sanjay, Additional S. General
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14073 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
 For the Respondent/s : Mr. SATYADEO KUMAR, SC-5
 For the Union of India: Mr. S.D. Sanjay, Additional S. General
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14192 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
 For the Respondent/s : Mr. AVNISH NANDAN SINHA, G.P.-11
 For the Union of India: Mr. S.D. Sanjay, Additional S. General
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 11720 of 2015)

For the Petitioner/s : Ms. Anita Kumari, Advocate
 Mr. S.B.K. Manglam, Advocate
 For the Respondent/s : Mr. PRASHANT PRATAP, G.P.-6
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
 For the Union of India: Mr. S.D. Sanjay, Additional S.G.
 Mr. A.B. Mathur, C.G.C.

(In CWJC No. 11066 of 2015)

For the Petitioner/s : Ms. Anita Kumari, Advocate
 Mr. S.B.K. Manglam, Advocate
 For the Respondent/s : Mr. PURNENDU SINGH, GP-27
 For the Union of India: Mr. S.D. Sanjay, Additional S. General
 For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-02-2016

The writ petitioners in these batch of writ applications are



Cooperative Societies or the office bearers thereof and who have a common complaint against the action of the authorities of the Bihar State Food and Civil Supplies Corporation of either not accepting the paddy / the custom milled rice ('CMR' for the sake of brevity) or of not making payment of the supply thereof.

The grievance raised by these petitioners emanate from the policy of the Government of India announced for Kharif Marketing Season 2014-15 as enforced in the State of Bihar vide circular issued under the signature of the Chief Secretary dated 19.11.2014 whereby the Cooperative Societies registered under the Bihar Cooperative Societies Act, 1935 were required to make purchases of paddy from its member farmers and all such purchases made prior to 31.3.2015 duly supported by enforcement certificate issued by the Enforcement Officer appointed by the District Magistrate of the district concerned were to be supplied at the centres established by the Corporation in paddy form until 15.4.2015 and as custom milled rice until 31.8.2015. It is in consideration of the fact that the relief is founded on the policy of the Government of India that the Union of India was added as respondent in CWJC No. 11720 of 2015.

The grievance raised herein was raised by the Societies operating in East Champaran and Gopalganj and came up for consideration in a batch of writ petitions arising from CWJC No.

10728 of 2015 and 10796 of 2015 respectively. This Court upon hearing the counsel for the parties and on examination of the Scheme of the Government of India as enforced by the State of Bihar, disposed of the claim on twin principle; namely:

- (a) That the purchases made by the Society until 31.3.2015 should be supported by the enforcement certificate issued by the Enforcement Officer; and
- (b) That the Society concerned should have approached the Court within the period stipulated under the Scheme i.e. 31.8.2015.

In all these cases the petitioners have approached this Court within the time frame of the Scheme i.e. 31.8.2015 and hence it is now to be seen whether the claims made by the respective Societies is supported by the enforcement certificate(s). It is in consideration of the fact that the issue raised by the petitioners required a physical verification of the stock in the backdrop of the supporting papers that an enquiry was directed by this Court vide order passed on 28.8.2015 in CWJC No. 11520 of 2015 requiring the District Magistrate, Sitamarhi to get a fresh inspection / physical verification of the stock of the Society carried out and report be submitted. It is following the direction that the report has been submitted by the team so constituted by the District Magistrate, Sitamarhi and a copy of the same has been



placed on record by way of a counter affidavit in CWJC No. 11720 of 2015 which would cover all the writ petitions being heard analogous. I would be dealing with the claim of the writ petitioners individually in the backdrop of the report submitted by the District Magistrate placed in CWJC No. 11720 of 2015.

- (i) **Reg: CWJC No. 13872 of 2015** (Anhari Primary Agriculture Credit Cooperative Societies)

In this case the petitioner claims a balance stock of 806 quintals of rice. Although a counter affidavit has been filed enclosing an extract of the report but I shall be referring to the pages of the report as occurring in CWJC No. 11720 of 2015 for maintaining a uniformity in discussing the issue in relation to the other writ petitions. Insofar as the present petitioner is concerned, the claim finds discussion at running page 90 of the report and confirms that 806 quintals of rice converted from purchased paddy within the cut off date, is lying with the rice mill.

The grievance thus is upheld.

- (ii) **Reg: CWJC No. 13878 of 2015** (Bhutahi Primary Agriculture Credit Cooperative Societies)

The report of this petitioner appears at running page 95 of the writ proceedings which mentions that of the paddy purchased by

this Society, 451 quintals in paddy form was supplied to the Corporation while the balance 4634 quintal was sent to the rice mill for its conversion as custom milled rice and since after its conversion 3104.780 quintal has been supplied to the Corporation. The report mentions no balance stock in the Society.

The claim thus stands disposed of.

- (iii) **Reg: CWJC No. 14073 of 2015** (Puran Prasad Sahi vs. State of Bihar & ors.); &
- (iv) **CWJC No. 14192 of 2015** (Ramjanam Sah vs. State of Bihar & Ors.)

Mr. Sanjay Kumar, learned counsel for the petitioners in view of the report submitted by the District Magistrate, on record prays for disposal of the writ petitions to enable the petitioners to pursue their grievance departmentally.

The writ petitions are disposed of enabling the parties concerned to espouse their grievance departmentally.

- (v) **Reg: CWJC No. 11720 of 2015** (Bagaha Primary Agriculture Credit Cooperative Societies)

The report in relation to this Society appears at running page 100 of the report. In this case the claim of the petitioner is not supported by the report and thus is disposed of.

- (vi) **Reg: CWJC No. 11066 of 2015**

The report of this Society appears at running page 90 of the

report and confirms that of the valid paddy purchase, 440 quintals were supplied to the Corporation while 1334 quintals are in the rice mill. The purchase and its conversion to custom milled rice stands supported. The claim is thus upheld.

Having heard learned counsel for the respective writ petitioners, learned counsel for the Union, learned counsel for the State, learned counsel for the Corporation in the respective writ petitions, the claim of the petitioner in CWJC No. 13872 of 2015 and CWJC No. 11066 of 2015 is upheld in terms of the report of the District Magistrate as also taken note of hereinabove and stands allowed. The respondent Corporation, the State as well as the Union of India would be obliged to accept the proportionate amount of the CMR supply to be effected by these societies within three weeks from today and the payment thereof should be made by them preferably within six weeks thereafter.

Insofar as the petitioner in CWJC No. 13878 of 2015 is concerned, the report accepts that supply of CMR has been effected. The complaint is regarding payment of the price thereof. Considering the grievance, the Corporation, the State and the Union of India would be under an obligation to ensure the payment of the custom milled rice so supplied by the Society as found admissible.

Insofar as CWJC No. 11720 of 2015 is concerned, since

the report mentions ‘nil’ stock at the rice mill hence no relief can be granted and the claim stands disposed of.

CWJC No. 14073 of 2015 and CWJC No. 14192 of 2015 stand disposed of with liberty to the petitioners to pursue their grievance departmentally.

The writ petitions heard analogous are disposed of accordingly.

(Jyoti Saran, J)

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