

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1 of 2016

- Harishankar Patel, S/o Late Krishnalal Patel, aged about 50 years, by profession agriculturist and advocate, R/o Village Bhedikona, P.O & Tahsil – Dabhara, District Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Revenue, Raipur (C.G.)
2. The Director, Food and Civil Supplies-cum-Deputy Director at Directorate, Raipur (C.G.)
3. The Collector, Janjgir-Champa, District-Janjgir, Champa (C.G.)
4. The Tahsildar, Dabhara, District – Janjgir – Champa (C.G.)
5. The Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit, Bilaspur, District – Bilaspur (C.G.)
6. Sewa Sahakari Samiti Maryadit Puttidih, through its Competent Officer, Puttidih, Tahsil – Dabhara, District – Janjgir Champa (C.G.)

---- Respondents

19/01/2016	Shri Malay Kumar Bhaduri, counsel for the petitioner. Shri Neeraj Sharma, P.L. for the State/respondents 1 to 4 Shri Jitendra Shrivastava, counsel for respondent 5 on advance copy. The petitioner's grievance is that the procurement agency (respondent No.6), which is acting under the control of respondents 3 & 4, has refused to accept paddy in excess of cultivable area of 16 hectares, from the petitioner. Learned counsel for the petitioner submits that in the past year, the quantity of paddy accepted by the procurement	

agency was on the basis of the total area of land available for cultivation which is jointly recorded in the name of the petitioner and other joint holders, but, when the petitioner offered paddy of the same quantity for the procurement period 2015-16, the same is not accepted in view of objections raised by other joint holders. He submits that the agricultural land has been jointly recorded in the name of all, therefore, procurement of paddy at the instance of any of the joint holder has to be made by taking into consideration the entire area of land under cultivation.

It appears that because of the dispute raised by other joint holders, the procurement agency has allowed the petitioner to submit only paddy grown over a cultivable area of 16 hectares.

Learned counsel for the respondents pointed out to this Court that aggrieved by the objections raised by other joint holders and the action of procurement agency, the petitioner submitted an appeal before the Tahsildar, who is to examine the factual details in the matter after calling all the parties and to verify whether the entire land is being cultivated by the petitioner or by other joint holders or by all of them and whether the land is in joint name or to be registered jointly.

The nature of dispute raised by the petitioner essentially requires enquiry into disputed facts with regard to objection raised by the other joint holders. Considering that the petitioner has approached the Tahsildar, at this stage, I am not inclined to dwell into merits of this matter as a court of first instance. It

would be proper in the interest of justice that the Tahsildar, taking into consideration the petitioner's grievance and upon examination, takes an appropriate decision in the matter.

Considering the submission that the last date of procurement is 31st January, 2016, as directed by the State Government, I direct the Tahsildar, Dabhra to examine the petitioner's claim and take a decision, as early as possible, preferably within a period of 15 days from the date of receipt of a copy of this order. It is made clear that whatever quantity of paddy is found due for acceptance submitted by the petitioner shall be accepted even after expiry of the last date, i.e., 31st January, 2016.

With the aforesaid observation and direction, petition stands disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge