

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 429 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 (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Raipur (Chhattisgarh)
2. The Director, Food And Civil Supplies, Cum- Deputy Director At Directorate Raipur (Chhattisgarh)
3. The Collector Janjgir Champa, District Janjgir Champa (Chhattisgarh)
4. The Tahsildar Dabhara, District Janjgir Champa (Chhattisgarh)
5. The Chief Executive Officer, Zila Sahakari Kendriya Bank Maryadit Bilaspur District Bilaspur (Chhattisgarh)
6. Sewa Sahakari Samiti Maryadit Puttidih Through Its Competent Officer Puttidih, Tahsil - Dabhara, District Janjgir Champa (Chhattisgarh)
7. Lukshwar Prasad, S/o Late Roopdhar Singh, Aged About 92 Years R/o Village Bhedikona, Tahsil Dabhara, District Janjgir Champa (Chhattisgarh)
8. Suresh Kumar, S/o Late Amrit Lal, Aged About 54 Years R/o Village Bhedikona, Tahsil Dabhara, District Janjgir Champa (Chhattisgarh)

---- **Respondents**

Shri Malay Bhaduri, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State/respondents 1 to 4.
Shri Ramakant Pandey, counsel for respondent No.5 on advance copy.
Shri Kamal Kishore Patel, counsel for respondent No.8 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/02/2016

Heard on admission.

This petition is directed against order dated 30/01/2016 passed by the Tahsildar in compliance of a direction issued by this Court in the matter of dispute relating to acceptance of paddy under the Support Price Scheme of the Government.

2. Learned counsel for the petitioner submits that the entire quantity of paddy claimed to have grown on an area of 33.65 hectare was liable to be accepted by the Society / Procurement Agency because the petitioner has placed on record revenue records which shows the cultivable area as 33.65 hectare and merely because the other co-holders have been raised an objection with regard to partition, purchase of paddy could not be refused. It is also submitted that proper enquiry has not been made by the Society and when the matter was heard by the Tahsildar, he also did not make necessary enquiry in the matter. It is also submitted that according to the petitioner, earlier, partition has already taken place and pendency of dispute should not be allowed as relevant considerations to refuse the entire quantity of paddy for purchase under the Paddy Procurement Scheme of the Government.

3. There appears to be a serious dispute with regard to factum of joint holding amongst the joint holders of the agricultural land, namely the petitioner on one hand and respondents 7 and 8 on the other hand. Tahsildar, in a summary enquiry, after consideration of material and submissions made by respective parties, has *prima facie* found that there exists a dispute with regard to holding between the parties.

4. In view of above order which was passed after hearing the petitioner, existence of dispute between the parties cannot be ignored at this stage. The petitioner has not placed on record order of any Civil Court / Revenue Court of competent jurisdiction declaring title and possession of the petitioner over the entire land. Paddy grown on an area falling in the share of the petitioner has been accepted and it is not a case where the entire paddy offered to purchase has been rejected. Obviously, in a situation like this, procurement agency cannot be expected to go into the dispute amongst the joint holders. The limited enquiry which ought to be made, has been made by the authorities.

5. In that view of the matter, no direction can be issued to the respondents. The petition is therefore dismissed. This order shall not come in the way of the

petitioner in seeking remedy with regard to his claim of possession etc.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti