

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5923 of 2017

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1. Shivendra Kumar Sinha, Son of Krishna Nandan Sinha, resident of Village- Raghobpur, P.S.- Bihta, Dist- Patna.
 2. Kamlesh Kumar, Son of Rajendra Verma, Resident of Village- Bhagwatipur, P.O.- Bazidpur, Dist.- Patna.
 3. Pintu Kumar, Son of Briz Bhushan Sharma, Village- Mahmadpur, P.S.- Painal, Dist.- Patna.

.... Petitioner/s

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Bihar at Patna.
2. The District Magistrate, Patna District- Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D, Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna, District- Patna.
5. The Sub Divisional Officer, Danapur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh
For the State	:	Mr. S.Raza Ahmad-AAG5
		Mr. Alok Ranjan, AC to AAG-5
For BSFC	:	Mr. Harish Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-10-2017

Heard learned counsel for the petitioners and learned counsel for the State as well as BSFC.

In the present case, petitioners have raised primary relief of mandamus directing the District Magistrate, Patna, Bihar State Food and civil Supplies Corporation, Patna and the Sub Divisional Officer, Danapur to include and tag the name of the petitioners and their mills with the PACS for the procurement of year 2016-



17 in the Bihar State Food and Supplies Corporation as per Annexure-1 and 2 to the writ petition.

Petitioners have applied for procurement year 2016-17 and got it registered through online which were physically verified by the competent authority to assess the capacity of milling work but in utter surprise no tagging was made. Petitioners are running rice mills and engaged in the business of milling the paddy. All formalities of verification has been done including the physical verification.

During pendency of this case the present petitioners/mills have already been tagged with PACS. Now the grievance has been raised, petitioners have failed to enter into an agreement with allotted PACS and failed to obtain allotment of work. These are executive function of the State. When the mills of petitioners have tagged the natural consequences will be that the competent authority will ensure allotted/tagged PACS would enter into an agreement for supplying paddy for milling.

As it is the duty of the Sub Divisional Officer or the District Magistrate to ensure that there should be rationality in allotment of tagging and allotment of paddy for milling.

With the aforesaid observation there is no need to proceed further in the matter.



Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.11.2017
Transmission Date	NA

