

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12682 of 2014

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1. Indradeo Singh Son of Late Lalchan Singh

2. Ashok Kumar Singh Son of Indradeo Singh

3. Alok Kumar Son of Indradeo Singh

All are resident of village and Post- Sapahi, P.S.- Turkolia, District- Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Sugarcane Department, Government of Bihar, Patna.

2. The Cane Commissioner, Sugarcane Department, Government of Bihar, Patna.

3. The District Magistrate, East Champaran, Motihari.

4. The Cane Officer, East Champaran, Motihari.

5. M/s Hanuman Sugar & Industries Limited havint its registered Office of Chandra Kunj 3, Pretoria Street, 4th Floor, Kolkata- 700071 through its Executive Vice President Sri A.N. Shukla.

6. B.K. Nopali S/o Late M.L. Nopani Chairman of M/s Eastern Sugar & Industries Limited, having its Head Office at 12 Government Place East, 2nd Floor, Kolkata.

7. M/s Eastern Sugar & Industries Limited Unit: Motihari Chinni Udyo situated at & P.O.- Motihari, District- East Champaran having its head office at 12 Government Place East, 2nd Floor, Kolkata through its Executive Vice President Sri A.N. Shukla Son of not known resident of 12 Government Place East , 2nd Floor, Kolkata

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Shambhu Nath, Advocate

For the State : Mr. Sunil Kumar Mandal, SC 3 with
Ms. Neelam Kumari and
Mr. Bipin Kumar, ACs. to SC 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-02-2017

Heard learned counsel for the petitioners and the State.

The petitioners have moved the Court seeking a direction to the official respondents to pay them their entire arrear of dues of sugarcane supplied to the respondent no. 7.

Learned counsel for the petitioners submitted that in a case filed by the respondent no. 7, being C.W.J.C. No. 8734 of 2009, a Bench of this Court has passed order on 27.03.2012 by which the Management of the respondent no. 7 was directed to generate money and apportion the same among persons in which 30% was to be paid towards arrears of cane prices. It was submitted that still the petitioners have not been paid their dues, despite respondents no. 6 and 7 having land, sale of which would meet their dues.

A counter affidavit has been filed on behalf of the respondents no. 1, 2 and 4 in which, *inter alia*, at paragraph 14, it has been stated as:

“14..... It was impossible to pay every grower out of the determined 30% of the money raised i.e. 30 lakhs and hence the petitioners might not have received



their payment. They will be paid as and when further fund is raised after sale of the land of Nopany family as per the Hon'ble Court's order. The delay has been caused due to the non cooperative attitude of the mill management as has been mentioned in above paragraphs no. 9 and 10. It is also pertinent to mention that the certificate case against the mill Management has been also initiated vide case no.-7/1991, 4/1992-93, 1/1998-99, 4/1999-2000, 3/2001-02, 2/2002-03, 1/2011-12, 1/2013-14 which is pending in different stages and still to finalized in court of D.M. Motihari. That one criminal case is also pending in the court of C.J.M. Motihari against the mill Management as per the provisions of Bihar Sugarcane (Regulation of supply and Purchase) Act-1981.”

Learned counsel for the State stands by the aforesaid averments. Learned counsel for the petitioners agrees for disposal of the writ petition in light of the aforesaid stand in the counter affidavit.

In view of the aforesaid categorical stand on behalf of the State as also reiterated by learned State Counsel, the writ petition stands disposed off with the observation that the petitioners shall be paid their arrear of dues of cane in terms of the stand quoted hereinabove. The petitioners may also file a representation enclosing



copy of this order before the respondents no. 1, 2 and 4.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
Uploading Date	23.02.2017

