

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15632 of 2016

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Lavkush Kumar, proprietor of M/s. Annapurna Rice Mill, son of Virendra Prasad Sharma, resident of village - Pokhama, P.S. Shakurabad, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. Collector, Jehanabad
3. Managing Director, Bihar State Food and Civil Supplies Corporation, Patna
4. District Manager, Bihar State Food and Civil Supplies Corporation, Patna
5. District Cooperative officer, Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjan Kumar Sharan, Advocate
For the BSFC : Mr. Aditya Prakash Sahay, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG 5 with
Mr. Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 15-03-2017 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food and Civil Supplies Corporation.

In the present case the petitioner has raised his grievance that the BSFC has not renewed the agreement of the petitioner for milling rice for the season 2015-16 and onwards and made a prayer that the respondents may be directed to consider his case.

The petitioner is a proprietorship firm establishing rice mill for the purpose of milling of paddy and an agreement was



entered into between the petitioner and the BSFC for milling of paddy for the period 2014-15 and the petitioner has deposited the CMR rice with the respondent Corporation but for the subsequent year the Annapurna Rice Mill has not been enlisted on account of the fact that petitioner is running the mill on the land of defaulter's mill, whereas learned counsel for the petitioner submits that he is not running the mill on the defaulted mill but he has taken the land from the father of the defaulter. On this ground, the petitioner has been delisted from milling paddy. Learned counsel for the petitioner has pointed out that on the physical verification report it has been found with the regard to the petitioner's mill that he has taken the land on lease from the father of proprietor of defaulted mill.

The ground which has been taken for delisting cannot be said to be fair and proper as there is no allegation of default against the petitioner, merely he has taken land on lease from the father of defaulter, cannot be ground for adversarial order.

In such a situation, this Court directs the District Manager, Bihar State Food and Civil Supplies Corporation, Jehanabad that if the petitioner has not defaulted in the matter of making payment of CMR rice his mill should be included and proper agreement be made for the subsequent year for the milling



of rice as the grounds taken by the Corporation cannot stand as reasonable act of the Corporation. The District Manager should take decision in this matter with respect to the petitioner within a period of three weeks from the date of receipt/production of a copy of this order.

With the above observations and directions, this application is disposed of.

(Shivaji Pandey, J)

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