

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12447 of 2017

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Siyaram Sharma, Proprietor of M/s Radhe Rice Mill, Son of Late Shyam Narayan Sharma, Resident of Village- Hati, P.S.- Kako, 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 : Mr. Rajesh Mohan,
Mr. Sanjan Kumar Sharan, Advocates
For the Respondents : Mr. Upendra Pratap Singh, AC to SC4
For Respondent-BSFC : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The petitioner is aggrieved by non-renewal of the agreement for milling paddy for the season 2016-17 and onwards.

3. It is submitted on behalf of the petitioner that the agreement was signed for the years 2013-14 and 2014-15 in terms of which the petitioner has been carrying out the work of milling paddy but the agreement has not been renewed for the year 2016-17. It is submitted that the objection of the respondent-Corporation that the brother of the petitioner was a defaulter for the year 2012-13 and the



land receipt was the same, is without basis as the land in question was allotted to the share of the petitioner in terms of the agreement dated 12.03.2013 and further that the petitioner had no concern with the default committed by his brother. It is further submitted that in similar circumstances, this Court in *Lavkush Kumar Vs. The State of Bihar & Ors.* (CWJC No. 15632 of 2016) has granted relief in the following terms –

“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.”

4. None appears on behalf of the respondent-Corporation despite repeated calls though learned counsel for the State is present.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of in line with and on the same terms as the order dated 15.03.2017 passed in CWJC No. 15632 of 2016 aforesaid.



(Vikash Jain, J)

B.T/Chandran

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