

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6253 of 2018

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Rinki Kumari, W/o Kamal Kishore Gupta, Residence of Village- Baroon, P.S.-
Baroon, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Aurangabad.
2. The District Magistrate, Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Ltd through its M.D. Bihar at Patna.
4. The District Manager BSFC Ltd. Aurangabad District- Aurangabad.
5. The Enforcement Officer, Aurangabad, District- Aurangabad.
6. The Store-in-Charge BSFC Dehri-on-Sone.
7. The Store-in-Charge BSFC Baroon, District- Aurangabad.
8. The Store-in-Charge BSFC Daudnagar, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

The present writ petition has been filed for the following reliefs

(i) For issuance of a writ in the nature of mandamus, directing and commanding the respondent authority to pay the petitioner the outstanding dues of Rs. 26,92,124/- for non-payment of entire payment in view of direction passed by the Hon'ble Court in CWJC No. 650/2016 by order dated 29.10.2016.

(ii) For issuance of any other relief or reliefs for which the petitioner is entitled.

3. Learned counsel for the petitioner invites reference to the earlier round of litigation in CWJC No. 650 of 2016, which was disposed



of by order dated 28.10.2016 (Annexure-2) with the following directions—

“In that view of the matter, the writ application is allowed. The impugned order dated 15.04.2015 passed by the respondent no. 4 is quashed with liberty to the respondents to proceed afresh in the matter after complying with the principles of natural justice.

The respondents are also directed to pay the petitioner the value of 1641.79 quintals of paddy as also bills to be submitted by the petitioner regarding milling and transporting-cum-handling charges. Upon filing of the said claim, the admissible milling and transporting-cum-handling charges shall also be paid to the petitioner within a period of five weeks thereafter.”

4. It is submitted that pursuant to the said order out of a claim of Rs. 54,13,545/- only two cheques aggregating to Rs. 27,21,391/- has been paid, leaving an amount of Rs. 26,92,124/- as outstanding for payment. A statement is made on behalf of the petitioner that contempt petition filed in the matter has also been disposed of. It is further stated that representation has been filed by way of legal notice despatched through registered post on 03.02.2018 to the District Manager, BSFC Ltd., Aurangabad (Annexure-5), but the same however has not been responded to.

5. Learned counsel for the respondent-Corporation appears and has been heard.

6. Having regard to the nature of grievance of the petitioner the writ petition is disposed of with a direction to the District Magistrate to dispose of the claim of the petitioner as detailed in the legal notice aforesaid, if the matter is still pending, within a period of four weeks



from the date of receipt/production of a copy of this judgment. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	NA

