

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14650 of 2014

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Sarita Devi Wife of Vijay Prasad Sharma Resident of Village-Bela P.O. - Bela
Tarari, P.S.- Naubatpur, District -Patna.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The Bihar State Food Corporation, West Boring Canal Road, Patna.
3. The District Manager, Bihar State Food Corporation, West Boring Canal Road,
Patna.
4. The Purchase Incharge, Bihar State Food Corporation, Naubatpur.
5. The Circle Officer, Naubatpur Block.
6. The Managing Director, the Patliputra Central Co-operative Bank Ltd., Head
Office S.P. Verma Road, Patna - 800001.
7. The Branch Manager, the Patliputra Central Co-operative Bank, Naubatpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate
For the Respondent-BSFC : Mr. Shailendra Kumar Singh, Advocate
For the Respondent-State : Mr. Madhaw Prasad Yadav, GP-23
Mr. Arvind Kumar, AC to GP-23
For the Bank : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-06-2018

The reliefs prayed for by the petitioner in the instant
writ petition are as under:-

- (I) Issuance of writ or writs in the nature of
mandamus commanding the respondent no. 2 to



4 to pay total billed amount for 856 quintals of paddy in the Pacs Cash Credit account of the petitioner as the petitioner has delivered 856 quintals of paddy to Bihar State Food Corporation, and in this regard Purchase Incharge of Respondent No.2 itself has issued a receipt/Bill for 856 quintals of paddy in favour of the petitioner but the payment amount was made and deposited in the Pacs Cash Credit account of the petitioner, only for 801.60 quintals of paddy instead of 856 quintals of paddy as the act of the respondents is wrong, arbitrary, discriminatory and illegal.

- (II) Issuance of writ or writs in the nature of mandamus commanding the respondent no.2 to 4 to pay and deposit the total outstanding amount with interest for the period the amount was due to the Respondents for 54.4 quintals of paddy in the Pacs Cash Credit Account of the petitioner so that dues of the bank would be finalized by the petitioner.
- (III) Issuance of further direction/directions of the Bank i.e. Respondent No.6 and 7 for waiving off the interest on the amount which is to be paid in the Pacs Cash Credit Account of the petitioner because there is no laches on the part of the petitioner in this matter as he has delivered 856 quintals of paddy within time to the Respondent No.2 in the present of the authorities of



Respondent No.2.

- (IV) Grant such other relief or reliefs as your Lordship may deem fit and proper in the facts and circumstances of this case.

2. It is submitted by the learned counsel for the petitioner that the petitioner was the elected Chairman of Primary Agriculture Co-operative Society, Bara, Naubatpur (for short 'Society'). The Society had delivered 856 quintals of paddy at the respondents purchase center and, for this, respondent no.4 had issued receipt in favour of the Society. However, till date payment of 54.40 quintals of paddy is outstanding for no laches on the part of the petitioner.

3. *Per contra*, learned counsel appearing for the respondent-Bihar State Food Corporation (for short 'Corporation') submitted that the Society had delivered 801.60 quintals of paddy during the financial year 2013-14 and the entire payment for the paddy procurement has been made by the Corporation long back which would also reflect from Annexure-6 of the writ petition. He submitted that the writ petition is even otherwise misconceived, as the Society has not come before the Court for any of its claim rather the Chairman has approached this Court in her personal capacity for so called outstanding payment of 54.4 quintals of paddy said to have



been supplied by the Society. He submitted that presently the petitioner Sarita Devi is not even the Chairman of the Society, which had supplied the paddy to the Bihar State Food and Civil Supplies Corporation

4. I have heard learned counsel for the parties and carefully perused the record.

5. The objections raised by the learned counsel for the Corporation have substance. The Society, which had supplied paddy to the Corporation, has not approached this Court for payment of outstanding amount of money. The petitioner Sarita Devi has filed the instant writ petition in her personal capacity. In her personal capacity, she has got no *locus standi* in the matter. The submission that as on date she is not even the Chairman of the Society has not been controverted by the learned counsel for the petitioner rather he has accepted the position.

6. Moreover, the receipt granted by the procurement Incharge (respondent no.4) would suggest that the Society had supplied only 801.60 quintals of paddy to the Corporation. It is not disputed that the respondent Corporation has already deposited the amount of money for 801.60 quintals of paddy in the account of Society. A submission has been made by the learned counsel for the petitioner that the procurement Incharge had tampered with the



receipt and has altered the quantity of the supply of paddy in order to cause financial gain himself.

7. The contention advanced on behalf of the petitioner has been controverted by the learned counsel for the Corporation.

8. Be that as it may, this Court would not like to enter into such disputed question of facts in view of the fact that the petitioner herself has got no *locus standi* in the matter.

9. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2018
Transmission Date	NA

