

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9770 of 2018

=====

1. Brij Kishore Singh, Son of Late Khobhari Singh, Resident of Village - Dumra, Post Office- Dumra, Police Station- Dumra, District- Siwan.
2. Suresh Singh, Son of Tribhuwan Singh, Resident of Village- Dumra, Post Office- Dumra, Police Station- Dumra, District- Siwan.
3. Mankeshwar Rai, Son of Ramwrit Rai, Resident of Village- Narwa Dumri, Post Office- Maranchi, Police Station- Jamo, District- Siwan.
4. Satyadeo Yadav, Son of Fagu Yadav, Resident of Village- Sirsipur Bhada, Post Office- Marathi, Police Station- Jamo, District- Siwan.
5. Baban Prasad, Son of Late Sukhdeo Prasad, Resident of Village- Musehari, Post Office- Sirisiya, Police Station- Jamo, District- Siwan.
6. Ramnaresh Ram, Son of Sahdeo Ram, Resident of Village- Baldiha, Post Office- Talimapur, Police Station- Jamo, District- Siwan.
7. Most. Chandrawati Kunwar, Wife of Yogendra Ram, Resident of Village- Baldiha, Post Office- Talimpur, Police Station- Jamo, District- Siwan.
8. Kashinath Ram, Son of Late Jagdeo Rai, Resident of Village- Baldiha, Post Office- Talimpur, Police Station- Jamo, District- Siwan.
9. Hiralal Ram, son of Ramdas Ram, Resident of Village- Baldiha, Post Office- Talimpur, Police Station- Jamo, District- Siwan.
10. Shahid Akhtar, Son of Atiullah, Resident of Village- Jalalpur Sharif, Post Office- Jalalpur, Police Station- Lakri Nawiganj, District- Siwan.
11. Nageshwar Rai, Son of Ganga Rai, Resident of Village- Bala, Post Office- Jalalpur, Police Station- Lakri Nawiganj, District- Siwan.
12. Ramayan Mahto, Son of Nawal Mahto, Resident of Village- Bhopatpur Bharatiya, Post Office- Jalalpur, Police Station- Lakri Nawiganj, District- Siwan.
13. Kedar Mahto, Son of Mahadev Mahto, Resident of Village- Khwaspur, Post Office- Lakri Nabiganj, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
14. Most. Dropati Kunwar, Wife of Late Hiralal Ram, Resident of Village- Khwaspur, Post Office- Khwaspur, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
15. Brajesh Kumar Singh, Son of Late Adalat Singh, Resident of Village- Narharpur, Post Office- Kishunpura, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
16. Indrajit Yadav, Son of Late Rajaram Rai, Resident of Village- Lachhua, Post Office- Sohilpatti, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
17. Bir Bahadur Manjhi, Son of Late Ram Ashish Manjhi, Resident of Village- Padauli, Post Office- Khwaspur, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
18. Md. Khurshid Alam, Son of Husain Kyuamuddin, Resident of Village- Balarali, Police Station- Lakari Naviganj (O.P.), District- Siwan.
19. Most. Gudiya Devi, Wife of Late Ajay Kumar, Resident of Village- Padauli, Post Office- Padauli, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
20. Daroga Rai, Son of Late Banaras Rai, Resident of Village- Nabiganj, Post Office- Nabiganj Bajar, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
21. Ramesh Prasad Yadav, Son of Sitaram Prasad Yadav, Resident of Village-



- Lakri, Post Office- Lakri, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
22. Jhamindra Prasad Yadav, Son of Raj Kumar Prasad Yadav, Resident of village- Lakri Post Office- Lakri, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
23. Jagarnath Prasad, Son of Late Bhabhikhan Prasad, Resident of Village- Madhopur, Post Office- Lakri Police Station- Lakri Nabiganj (O.P.), District- Siwan.
24. Sudhu Prasad, Son of Late Bikramaditya Prasad, Resident of Village- Nawiganj Bazar, Post office- Nawiganj Bazar, Police Station- Lakri Nabiganj (O.P.), District- Siwan.
25. Ishwar Prasad, Son of Imratilal Sah, Resident of Village- Madhopur, Post Office- Lakri Police Station- Lakri Nabiganj (O.P.), District- Siwan.
26. Uday Ram, Son of Kamal Ram, Resident of Village- Bangra, Post Office- Imcho, Police Station- Lakri Nabiganj (O.P.), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Chief Finance State Food Corporation.
3. The Sub Divisional Officer, Maharajganj, Siwan.
4. The District Manager, Food Corporation of India, Siwan.
5. The Collector, Siwan.

.... Respondent/s

=====

Appearance:

- For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv
- For the State : Mr.U.P.Singh, AC to SC 4
- For the FCI : Mr. Prabhakar Tekriwal, Adv

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-06-2018

The present writ petition has been filed to refund the respective amount of the petitioners to whether they are entitled as detailed in letter no. 2896, 2897, 2898, 2899 dated 05.08.2015 and letter no. 2933 dated 07.08.2015 issued by the District Manager, State Food Corporation, Siwan with 18% interest from the date of payment i.e. June, 2013 to till the date of payment.

2. Learned counsel for the petitioners submits that the petitioners have deposited money for lifting of food grains but neither the food grains



were supplied nor the amount refunded. As a matter of fact, recommendation for refund of the amount in question has already been made in terms of letter no. 2933 dated 07.08.2015 but the amounts are yet to be received from the respondents.

3. Learned counsel for the State is present but none appears on behalf of the respondent-BSFC when the matter is called.

4. Having regard to the nature of the grievance of the petitioners, this writ petition is disposed of, granting liberty to the petitioners to approach the District Manager, Food Corporation of India, Siwan (Respondent No. 4) with a fresh representation for redressal of their grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioners, within a period of six weeks from the date of receiving the petitioners' representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioners 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 petitioners' claim is found inadmissible, whether in whole or in part, the petitioners' representation shall be disposed of by a speaking order in that regard.

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

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2018
Transmission Date	NA

