

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2664 of 2019

1. Dilip Kumar son of Bachchu Prasad, Village- Pakhanpura, P.O- Beni Bigha, P.S- Bikram District- Patna-801104
2. Ram Prit Nonia son of Ram Nandan Nonia @ Beldar, Village- Pakhanpura, P.O- Beni Bigha, P.S- Bikram District- Patna-801104
3. Shiv Pd. Nonia Son of Ram Nandan Nonia @ Beldar, Village- Pakhanpura, P.O- Beni Bigha, P.S- Bikram District- Patna-801104
4. Ashok Bharti son of Judagi Nonia, Village- Pakhanpura, P.O- Beni Bigha, P.S- Bikram District- Patna-801104
5. Kailash Patti Nonia, Son of Ram Sewak Nonia, Village- Pakhanpura ,P.O- Beni Bigha, P.S- Bikram District- Patna-801104
6. Judagi Nonia Son of Kanhaiya Nonia, Village- Pakhanpura, P.O- Beni Bigha, P.S- Bikram District- Patna-801104

... .. Petitioners

Versus

1. The Bihar State Food And Civil Supplies Corporation through the Managing Director, Sone Bhawan, Patna
2. The State of Bihar Registrar, Co-operative Society, Bihar, Patna
3. The District Magistrate, Patna
4. The District Manger, Bihar State Food and Civil Supplies, Corporation, Patna
5. The Circle Officer, Bikram Block, Patna
6. The Purchase Officer, BSFC, Bikram Block Centre, P.S- Bikram, District- Patna
7. The Chairman,of Beni Bigha PACS, P.S- Bikram, District- Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar, Advocate
For the Respondent/s	:	Mr.Raj Ballabh Prasad Yadav, AAG-11
For the BSFC	:	Mr.Sanjay Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-06-2019 These writ petitioners claim that they are farmers and have supplied 438.89 quintals of Paddy to the Beni Bigha PACS under Bikram Circle under the Crops Procurement Scheme of the State Government for the year 2014-15.



The petitioners claim that the PACS was authorized by the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as 'the Corporation') to purchase paddy from the farmers. The Corporation makes payment of the price of paddy of the farmers through PACS from the working capital provided by the State Co-operative Bank/District Co-operative Societies as per the instruction of the Corporation.

The petitioners further claim that they had sold their paddy to the Corporation through Beni Bigha PACS and the Paddy were handed over to the concerned authorized purchase Centre of the Corporation. The quantity of paddy sold by the petitioners are indicated in Paragraph '10' of the writ application. A receipt showing acknowledgment of paddy purchased from the petitioners has been issued by the Chairman of the PACS which has been enclosed as Annexure '2' series to the writ application. It is stated in Paragraph '12' of the writ application that the Chairman of the Beni Bigha PACS had prepared Purchase-cum-Payment Vouchers in prescribed proforma for payment to the petitioners, the total amount comes to Rs. 7,28,557.40/- but till date no payment has been made to the petitioners.

Petitioners have also referred the enforcement



certificate said to have been issued by the Circle Officer, Bikram.

Learned counsel for the petitioners submits that since the PACS and the other authorities to whom the petitioners have approached are neither paying the amount due to the petitioners nor any steps have been taken to deal with the hindrances coming in the way of PACS in making payment to the petitioners, the petitioners who are farmers and have sold their Paddy have been compelled to move this Court in their individual capacity.

Learned counsel for the petitioners has placed before this Court a copy of the judgment of the Hon'ble Division Bench of this Court passed in LPA No. 881 of 2016 and other analogous matters. It is his submission that the said Letters Patent Appeal and analogous matters arose from the writ applications preferred by the PACS where a complaint was made that despite supply of paddy the PACS were not being paid the amount due to them.

The Hon'ble Division Bench in those cases considered the facts and circumstances of those writ applications and writ appeals and then came to a conclusion that a three man committee with the assistance of the concerned



PACS Manager shall find out whether such purchases have been made by the respective PACS. In those cases the direction was given that in case the PACS had purchased the paddy on or before the cut off date i.e. 31.03.2015 and had made payment to the farmers who were members of the PACS either by RTGS or NEFT or through account payee cheque on or before the cut off date, the necessary funds will be made available to the PACS. The difference in the present case is only to the extent that in the present case supplies have been made to the PACS who have in turn is said to have sent them to the purchase centre of the Corporation. This has to be looked into, be examined and in case it is found that such purchase have been affected by the PACS and have been made available to the Corporation through its purchase centre then steps should be taken for payment to the farmers by adopting such modes and manner which may be found in accordance with law.

Learned counsel representing the Corporation submits that in this case the petitioners are claiming that the payments have not been made to them by the PACS and, therefore, this case would be a bit different from those decided in L.P.A. No. 881 of 2016 and other analogous matters.

Learned counsel for the State is also present.



Having heard learned counsel for the parties and on perusal of the records, this court finds that in sum and substance the grievance of the petitioners is that despite having sold their paddy through PACS to the Corporation, they have not been paid their price of the paddy and for that reason they are suffering in not only carrying on their agriculture work but also in many ways in their life due to financial constraints.

In the opinion of this Court, in the given facts of the case, it has become necessary to examine the claim of the petitioners to find out as to whether they have actually made supply of the paddy to the PACS and the same supply have reached to the Corporation. In case it is found that the farmers, such as the petitioners, had made supply to the PACS which ultimately reached to the Corporation through one of its purchase centres, the price of the paddy is liable to be paid to the petitioners.

Following the reasoning and rational provided in the judgment dated 06.08.2018 passed by Hon'ble Division Bench in L.P.A. No. 881 of 2016, this Court would direct the District Magistrate, Patna (Respondent No. 3) to look into the grievance of the petitioners, to get the same examined through the appropriate authority and in case it is found that the petitioners



have made supply of paddy to the PACS in question and the said supply has in turn reached one of the purchase centers of the Corporation, steps should be taken in accordance with law to make payment of the price of the paddy to the petitioners. In this regard the Court will also make it clear that the District Manager of the Corporation and its authorities shall be equally responsible to cooperate in finding out the truth. The District Magistrate, Patna shall also call upon the Chairman of Beni Bigha PACS (Respondent No. 7) to submit his say so that an appropriate decision may be reached in consultation with and assistance of the cooperation and all the respondents.

The whole exercise must be completed within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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