

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10035 of 2019

Rasalpur PACS through its Chairman, Smt. Kanchan Kumari, aged about 31 Years Gender-Female Wife of Jayant Kumar @ Pappu Kumar, Resident of Village-Rasalpur, P.S.-Dumra, District-Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Government of Bihar, Patna.
2. The Secretary, Food and Civil Supply, Government of Bihar, Patna.
3. The Registrar, Co-operative Department, Government of Bihar, Patna.
4. The Bihar State Food and Civil Supply Corporation Limited through the Managing Director, Khadya Bhawan, R-Block, Daroga Rai Path, Patna.
5. The District Magistrate, Sitamarhi, District-Sitamarhi.
6. The District Manager, State Food and Civil Supply Corporation Limited, Sitamarhi, District-Sitamarhi.
7. The Branch Manager, Central co-operative Bank Limited, Sitamarhi, District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate
For the Resp. No. 7	:	Mr. Pushpendra Kumar Singh, Advocate
For the BSFC	:	Mr. Nirmal Kumar, Advocate
For the State	:	Mr. Md. Anisul Haque, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2019 Petitioner, in the present case, is challenging the order dated 29.12.2018 passed by the District Manager, State Food & Civil Supplies Corporation Limited, Sitamarhi (Respondent no. 6) by which the claim of the petitioner for payment of price of 810 quintals of Customized Milled Rice (CMR) said to have been supplied to the Food and Civil Supplies Corporation Limited (hereinafter referred to as the “Corporation”) during the period 2014-15 has been rejected.



Learned counsel for the petitioner claims that the petitioner had supplied the required CMR within time fixed for procurement but then the payment thereof is being denied for no valid reason.

On the other hand, relying upon the impugned order, as contained in Annexure '6' to the writ application, learned counsel for the respondents disputes the claim of the petitioner. It is his submission that the impugned order has been passed on the basis of the materials available on the record, there is a finding in the impugned order that the PACS in question through its Chairman had procured 17832.98 quintals of paddy against which he had to supply 67% CMR i.e. 11984.10 quintals CMR but as against that the petitioner supplied only 8370.00 quintals CMR, therefore, he has misappropriated 3578.10 quintals of CMR for which one F.I.R. being Dumra P.S. Case No. 130/2016 has been registered and a certificate proceeding has also been initiated against him.

In these circumstances, the claim of the petitioner for the supplies made during the year 2014-2015 has been rejected saying that there is an outstanding of Rs. 4698590.02 against the petitioner which is still recoverable. It is submitted that in the given facts and circumstances it would not be a fit case in writ



jurisdiction of this court to direct the respondents to make payment to the petitioner.

Having heard learned counsel for the petitioner and learned counsel for the Corporation as also learned counsel for the Central Cooperative Bank Limited, this court is of the considered opinion that in the nature of the dispute raised by learned counsel for the respondents Corporation and the facts emerging from the impugned order, it would not be appropriate for this court to entertain this writ application and issue a direction to the respondents to make any payment. These are in the nature of disputed claims and thus writ is not the appropriate jurisdiction to seek remedy of this nature.

This writ application is thus dismissed *in limine* leaving it open for the petitioner to seek it's remedy before appropriate court/forum in accordance with law.

(Rajeev Ranjan Prasad, J)

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