

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.196 of 2018

In
Civil Writ Jurisdiction Case No.9770 of 2015

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1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
 2. The Principal Secretary Department of Sugarcane Industry, Govt. of Bihar
 3. The Cane Commissioner, Govt. of Bihar, Patna
 4. The Joint Cane Commissioner, Govt. of Bihar, Patna
 5. The Collector, Gopalganj
 6. The Collector, West Champaran
 7. The Collector, East Champaran
 8. The Collector, Sitamarhi
 9. The Collector, Samastipur
 10. The Collector, Begusarai

... .. Petitioner/s

Versus

1. Manjit Kumar Singh @ Manjeet Kr. Singh, son of Late Braj Kishore Narayan Singh, Resident of Village- Dewapur, P.S. Barauli, District- Gopalganj
2. The Occupier cum Managing Director of Bagaha Sugar Mills, West Champaran
3. The Occupier cum Managing Director of Harinagar Sugar Mills, West Champaran
4. The Occupier cum Managing Director of Narkatiaganj Sugar Mills, West Champaran
5. The Occupier cum Managing Director of Majhaulia Sugar Mills, West Champaran
6. The Occupier cum Managing Director of Motihari Sugar Mills, East Champaran
7. The Occupier cum Managing Director of Sasamusa Sugar Mills, Gopalganj
8. The Occupier cum Managing Director of Gopalganj Sugar Mills, Gopalganj
9. The Occupier cum Managing Director of Sidhwalia Sugar Mills, Gopalganj
10. The Occupier cum Managing Director of Riga Sugar Mills, Sitamarhi
11. The Occupier cum Managing Director of Hasanpur Sugar Mills, Samastipur
12. The Occupier cum Managing Director of Lauria Sugar Mills, West Champaran
13. The Occupier cum Managing Director of Sugauli Sugar Mills, West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar Mandal, S.C. 3 Ms. Neelam Kumari, A.C. to S.C. 3
For the Opposite Party/s :	Mr. Y.V. Giri, Sr. Advocate Mr. Ashish Giri, Advocate Mr. Kunal Tiwary, Advocate Smt. Sushmita Mishra, Advocate



Mr. Ramesh Kumar Agrawal, Advocate

Mr. Ravi Bharat, Advocate

Mr. Surya Narayan Sah, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 06-02-2019 Heard learned counsel for the applicant Shri Sunil Kumar Mandal and Shri Kunal Tiwari for the respondent-petitioner. We have also heard Shri Y.V. Giri, learned senior counsel, Shri Ashish Giri, Shri Kunal Tiwary, Smt. Sushmita Mishra, Shri Ramesh Kumar Agrawal, Shri Ravi Bharat and Shri Surya Narayan Sah for the respondents.

The matter was disposed of on 25th April, 2018 which in effect directs the Government agencies to ensure the payment to the cane growers that is due to them from the mill owners. The Review Application, therefore, seeks to bring on record that in compliance of the said order payments have been ensured but there cannot be a liability fixed on the Cane Commissioner or the Government for any such payment and consequently to that extent the judgment deserves to be reviewed.

The question of liability of payment is on the sugar mills concerned, who have been arrayed as Respondent Nos. 11 to 22 in the writ petition. However, the enforcement agencies



under the relevant law are the Respondent Nos. 1 to 10. The Review Application records the issuance of recovery certificates for ensuring payments. It is, therefore, evident that even though the applicant claims substantial payments having been made, it is quite possible that the payments which are actually due for the relevant years have not been cleared off entirely.

We are, therefore, in the larger interest of the farmers not inclined to review the matter as basically we do not find any error apparent on the face of record, but at the same time we dispose of this Review Application that in the event any of the concerned respondents in the writ petition have not complied with the directions of the High Court or the executing authorities have not acted in accordance with law to ensure payments, it will be open to the aggrieved party to institute appropriate proceedings in this regard.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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