

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12390 of 2017

Maniari Kharwa Primary Agriculture Credit Society (P A C S), Panchayast Maniyari Khairwa, Block – Dumra, District – Sitamarhi, through it's Chairman Shankar Sah, Son of late Ram Swaroop Sah, Resident of Village-Govind, Phandah, P.s. and District-Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Cooperative Department, Bihar, Patna.
3. The Registrar, Cooperative Society, Cooperative Department, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The District Cooperative Officer, Sitamarhi.
6. The Cooperative Extension Officer, Block Dumra, District-Sitamarhi.
7. The Central Cooperative Bank, Sitamarhi through its Managing Director.
8. The Managing Director, the Central Cooperative Bank, Sitamarhi.
9. The Branch Manager, the Central Cooperative Bank, Sitamarhi.
10. The Bihar State Food and Civil Supply Corporation Bihar, Patna. through its Managing Director.
11. The Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
12. The District Manager, The Bihar State Food and Civil Supplies Corporation, Sitamarhi.
13. Sri Nandu Rajak, Son of no Known, the auditor Central Cooperative Bank, Sitamarhi.
14. Sri Shyama Kant Choudhary, Son of not Known, the Block Cooperative Officer, Dumra-Cum-Supervisor, Dumra Purchase Center through the District Magistrate, Sitamarhi.
15. Sri Sanjay Kumar, Son of not known, Block Agriculture Officer, Dumra-Cum-Supervisor, Dumra Purchase Center through the District Magistrate, Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate Mr. Bimal Kumar, Advocate
For the State	:	Mr. Uday Shankar Sharan Singh, Advocate
For the BSFC	:	Mr. Harish Kumar, Advocate
For the Resp No.8	:	Mr. Pushpendra Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER



the respondents to make payment of the price of 624.40 quintals of wheat, which according to the petitioner is still due.

In the supplementary counter affidavit which has been filed pursuant to the direction of this court vide order dated 19.07.2018, the respondent no. 11 has made a specific statement that the petitioner PACS had supplied a total of 1218 quintals of paddy at Dumra Purchase Centre for which the payments have already been made.

It is further stated that the petitioner claims to have supplied a total 1824.40 quintals of paddy and is relying upon a computerized receipt showing 1560 bags of paddy but the said receipt has no legal identity and in fact for the misappropriation and irregularities committed by the petitioner PACS in collusion with some miscreant officials deputed at the Centre a criminal proceeding has also been initiated by filing an F.I.R.

In the supplementary counter affidavit, thus, a stand has been taken that the claim of the petitioner is disputed.

In the aforesaid view of the matter, this court is not willing to exercise its extraordinary writ jurisdiction to entertain the claim of the petitioner. So far as the writ application is concerned, no relief may be granted in this proceeding.



Learned counsel for the Corporation submits that investigation is still going on. The petitioner will, however, be at liberty to seek his remedy whatsoever available in law based on the outcome of the investigation.

The Writ Application stands disposed of.

(Rajeev Ranjan Prasad, J)

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