

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1647 of 2017

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Krishna Kant Singh son of Late Devan Singh, resident of Village- Pakadi,
P.S.- Itarhi, Dist- Buxar, Bihar, proprietor of M/s Bajrang Udyog, Pakadi Mor,
Itarhi, Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate-cum-Collector, Buxar Bihar.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Khadya Bhawan, Daroga Ray Path, R.Block, Road No.2, Patna-800001, Bihar.
3. The Special Officer, Food and Consumer Protection Department, Govt. of Bihar, Patna.
4. District Manager, Bihar State Food and Civil Supplies Corporation, Buxar.
5. District Manager, F.C.I., Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sayed Arshad Alam, Adv. Anjum Perveen, Adv.
For the SFC	:	Mr. Shailendra Kr. Singh, Adv. Mr.Nirala Kr. Singh, Adv.
For the Repondents	:	AC to Mr. Kislay, Av.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-02-2019 The petitioner is aggrieved by the order dated 21.12.2016 passed by the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. by which it has been held that the petitioner has supplied only 9067.93 quintal of Customized Mill Rice (CMR) and has misappropriated the rest of 12201.17 quintal of CMR. This balance quantity of 12201.17 quintal CMR has been assessed at Rs.2,32,20,413/-. This is said to be the dues against the petitioner.

Learned counsel for the petitioner informs this Court



that in fact a money suit has already been filed against the petitioner for realization of this amount and the petitioner will be defending the same in accordance with law.

Learned counsel for the Bihar State Food and Civil Supplies Corporation is present.

In the nature of the submissions made before this Court, the Court is of the considered opinion that the allegations of fraud and misappropriation leveled against the petitioner which has given rise to the present liability against the petitioner cannot be adjudicated in a writ proceeding.

This writ application is devoid of merit and is dismissed, accordingly, however leaving it open for the petitioner to take his defence as may be advised in the pending proceeding and in accordance with law.

(Rajeev Ranjan Prasad, J)

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