

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21983 of 2018

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Ram Singh @ Ram Ayodhya Singh @ Ram Ayodhya Prasad, Son of Munshi Gop, Resident of Village-Ariyawan P.S.-Nagarnausa, District -Nalanda at Present Chairman Ariyawan Panchayat PACS Nagarnausa District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The Chief Secretary, Food and Civil Supplies Corporation Ltd., Govt. of Bihar, New Secretariat, Patna.
3. Managing Director Bihar State Food And Civil Supply, Corporation Ltd., Patna.
4. The District Magistrate-Cum-Collector, Nalanda Biharsharif.
5. The District Manager, State Food and Civil Supplies Corporation Ltd. Nalanda. Biharsharif.
6. Managing Director (M.D.) The Central Co-Operative Bank Ltd. Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Chandra Pandey, Adv.
For the State	:	Mr. Alok Ranjan, AC to AAG-5
For the BSFC	:	Mr. Harish Kumar, Adv.
For the Bank	:	Mr. Bindhayachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-05-2019 Petitioner, in the present case, is seeking a writ of mandamus directing the respondent authorities to make payment of the alleged due amount for supply of custom rice mill to the tune of Rs.28,18,536/-. He has also prayed for allowing compound interest @ 11% per annum on the amount liable to be paid to the petitioner.

It is the case of the petitioner that Ariyawan Panchayat PACS having purchased paddy from the



farmers and after milling supplied the custom rice mill to the Bihar State Food Corporation Ltd., Nalanda at Bihar Sharif to the tune of 3857.19 quintals of CMR. The receipt against those supplies were also granted to the petitioner by the respondent authorities. The Bihar State Civil Supply Corporation Ltd. made payment for 2682.01 quintals of CMR directly to the PACS. However, the rest of the payments for 1175.18 quintals of CMR has not been paid saying that there is a paucity of fund.

The petitioner submits that the PACS has taken loan under cash credit facility from Nalanda Central Cooperative Bank and has made payment to the farmer for purchase of paddy. He has also referred to certain informations made available to him under the Right to Information Act. The grievance of the petitioner is that he is running from pillar to post for redressal of the grievance, but the same is not being attended by the respondent authorities.

By filing a supplementary affidavit, the petitioner has also brought on record a copy of the agreement between the miller and the Chairman of Ariyawan PACS Nagarnausa said to have been signed on 25.11.2016 as contained in Annexure-5 to the supplementary affidavit. It is submitted that, in the facts and circumstances of the case, a direction may be given to the



respondent authorities to make payment of the alleged due amount with interest thereon.

On the other hand, by filing a counter affidavit, the respondent no.5 has narrated certain facts whereunder it is stated that the matters relating to provide C.C. limit for payment to different PACS/Vyapar Mandal has been examined and it has been found that in many places without supplying the CMR the PACS in collusion with some officers got the receipt of the same and as such it has been decided that before making any payment of the CMR to the PACS it must be verified and the godown must be physically inspected.

It is submitted that a Committee has been constituted for conducting physical verification of each and every godown of the District and they will verify the quality of CMR under their supervision and on the report of the Committee the decision with regard to the payment has been made. It has been pointed out that in case of any misappropriation or grant of receipts without actual supply of CMR, the District Magistrate shall take appropriate action in accordance with law after fixing liability upon the concerned PACS, in-charge godown and quality controller.

In paragraph 9 of the counter affidavit, it is stated that



in course of inquiry certain mills have been found to be involved in misappropriation of CMR and accordingly FIR has been instituted against them including Shruti Ware House, State Ware House Corporation, Bazar Samiti etc. and so far as the present PACS is concerned, from the report it appears that this PACS has also supplied CMR to Shruti Ware House against which FIR has been instituted bearing Hilsa P.S. Case No.68 of 2018 and the matter is still under investigation.

After hearing learned counsel for the parties and on perusal of the records, it transpires that the matter relating to supply of CMR by this petitioner is still under investigation. The fact as to whether or not the petitioner is entitled for the amount of Rs.28,18,536/- would depend upon the outcome of the said investigation. The petitioner claims that the PACS has made payment to the farmers, that fact is also required to be examined in course of investigation.

At this stage, this Court would, however, direct the District Magistrate, Nalanda to expedite the investigation into the matter, complete the investigation within a period of four months from the date of receipt/communication of a copy of this order and after verification of the records and whatever transpire in course of investigation on the basis thereof an appropriate



decision be communicated to the petitioner within the aforesaid period. In case the petitioner is found entitled for payment of an admitted amount, the same shall be paid to the petitioner within a further period of 30 days. In case either whole or part claim of the petitioner is rejected, the reasons thereof shall be provided to the petitioner and the petitioner will be at liberty to seek his remedy against the same in accordance with law.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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