

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 10 of 2020**

- Nanki Ram Kanwar S/o Late Shri Patram Kanwar Aged About 77 Years
R/o Rani Road, Dhanuhar Para, Purani Basti, Korba Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through The Chief Secretary, Mantralaya Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
2. State of Chhattisgarh Through The Secretary, Food Civil Supplies And Consumer Protection Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh
3. The Collector Korba Tehsil and District Korba Chhattisgarh

---- Respondents

For Petitioner : Shri Sumesh Bajaj, Advocate
For Respondent-State : Shri Chandresh Shrivastava, Dy. Advocate General

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****P. R. Ramachandra Menon, C.J.****05.02.2020**

1. The Petitioner, who is a sitting MLA, is stated as constrained to move this Court by filing this writ petition, styled as a 'Public Interest Litigation', because of the alleged misdeeds / misuse in connection with the implementation of the Policy framed by the State for paddy procurement for the Kharif Session 2019-20. The prayers are in the following terms :

“10.1. That, the Hon'ble Court may kindly be pleased to call for the entire records related to the instant dispute.

10.2. That, the Hon'ble Court may kindly be pleased to issue an appropriate writ issuing positive directions with

regard to the issues / grievances raised in Paragraph 8.6 above and also issue remedial guidelines with regard to the same.

10.3. Any other relief/order/direction, which this Hon'ble Court may deem fit and proper, may also be granted in the interest of justice.

10.4. Cost of the petition.”

2. As a sequel, it is necessary to make a reference to paragraph 8.6, where the Petitioner describes the grievance and hence the same is also reproduced below :

8.6. That, this capping clause is now back-firing and actually being misused by the Authorities at the District Administration level. The farmers are being harassed and victimized in more than one ways and the major issues are being summarized infra, being the gist of the instant petition :-

A. The areas of farms, duly documented and standing in the name of a farmer, are being unilaterally and draconically being shown to be much less.

B. This reduction in area is being arbitrarily and high handedly being done by the concerned Patwaris sitting in their offices without even doing the spot-verification. This is being so done firstly as it is not practically possible to do the spot-verification / inspection in the short span of the purchase season, secondly depending upon the gratifications demanded and offered or *not offered* and lastly and infact mainly depending on the funds/budget available with the Authorities for purchase / procurement of paddy.

C. The result, of such arbitrary reduction of area is resulting into excess unsold paddy remaining with the poor farmers and for which they are not even able to find a platform to sale.

D. The farmers are not being permitted to sell their paddy either in open market or even in the Krishi Upaj Mandis as it is being treated that such paddy is excessive of the area of a farmer and thus is illegal procurement.

E. The District Authorities, without there being any statutory power in this regard, are illegally searching

and seizing / confiscating the paddy stored with the poor farmers and branding them illegal. The search for such seizure and confiscation is being done like the search of a bloodhound and is so aggressive that people have started fearing in keeping paddy in their possession.

F. The seizure and confiscation is being so done without even giving a valid receipt of the quantity seized and furthermore the Authorities doing the seizure are themselves sitting as Judges and deciding the fate of the seized quantities.

G. This situation is to be seen coupled with the fact that the farmers have taken loan for growing their respective produces on the actual areas available with them and now on one hand they are able to sale only a very meager portion of their produce whereas on the other hand they are compelled to repay the entire loan amount.

H. The District of Korba is mainly occupied by tribal and backward farmers who, since ever, use to procure their other daily requirements by barter system i.e. they use to give small quantities of paddy in exchange of other commodities and food grains of daily use. The Authorities have created such an environment in the District that no other trader/businessmen are even ready to accept paddy by the poor farmers in lieu of their respective products.

I. The above state of affairs have created a situation where the poor farmers, who are supposed to be the real citizenry of the State, are at the verge of starvation and are being so cornered that the only easily available option appears them to be committal of suicide or something of that drastic nature.”

3. It is the case of the Petitioner that, the Petitioner is also a farmer in the area and because of the improper implementation of the Policy, it is stated that the farmers are neither being paid properly for the duly grown paddy, nor are they being permitted to sell it anywhere else. There are instances of illegal seizure and confiscation, making their position still worse and even unable to make small scale barter trade so as to meet their day to day needs, which is the practice prevailing in the area.

4. The learned counsel for the Petitioner submits that the adverse consequences resulted have been brought to the notice of the various authorities by filing complaints / representations; copies of which have been produced as Annexures-P/2 to P/6. The learned counsel points out that no action has been taken and this made the Petitioner to approach this Court as there is no other alternative remedy.
5. Heard Mr. Chandresh Shrivastava, the learned Deputy Advocate General appearing for the State.
6. It is relevant to note that the Policy framed by the State is not under challenge, nor can this Court interfere with the Policy; insofar as it is not arbitrary or shocking the conscience in any manner. There is no such prayer as well and the grievance appears to be more with regard to the defective implementation of the Policy by the Officers / Authorities concerned. In the particular facts and circumstances, we find it appropriate to direct the 1st Respondent to consider Annexure-P/6 and pass an appropriate order in accordance with law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this order. The Petitioner is required to produce a copy of this order along with copy of the writ petition before the 1st Respondent for further steps.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge