

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 948 OF 2020**

1. Prathmik Krishi Sakh Sahkari Samiti Bhukel, Registration No. 1347, Dhan Uparjan Kendra Posara, through its Centre Incharge, Dilip Kumar Pradhan S/o J.S. Pradhan, aged about 44 years, R/o Village Habekanta, Tahsil Basna, District Mahasamund (CG)
2. Dhan Uparjan Kendra Bhukel of Prathmik Krishi Sakh Sahkari Samiti Bhukel, Registration No.1347, through its Incharge Jai Prakash Barik, S/o Markand Barik, aged about 33 years, R/o Village Barbaspur, Tahsil Basna, District Mahasamund (CG)

... Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, Food and Civil Supplies Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (CG)
2. Secretary, State of Chhattisgarh, Cooperative Society Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur (CG)
3. Collector, Mahasamund, District Mahasamund (CG)
4. District Mark-Fed Officer, Chhattisgarh Rajya Sahkari Vipnan Sangh, Mahasamund District Mahasamund (CG)
5. Deputy Registrar, Societies, Mahasamund, District Mahasamund (CG)
6. District Cooperative Central Bank Maryadit, through its CEO, Raipur, District Raipur (CG)
7. Nodal Officer, Mahasamund, District Mahasamund (CG)

... Respondents

For Petitioners	:	Mr. Raghvendra Pradhan, Advocate.
For Respondent-State	:	Mr. Amrito Das, Addl. Advocate General.
For Respondent-Federation	:	Mr. Ashish Surana, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/03/2020**

1. The dispute in the present Writ Petition substantially is that of non-lifting of paddy by Respondent No.4-Federation.
2. According to the Petitioners, due to the frequent changing of climate and the rains and hailstorms frequent occurring, the paddy which is lying open is getting destroyed and damaged and the Respondent No.4-Federation were supposed to lift it within 72 hours which they have not done and therefore the Petitioners approached this Court for a direction to Respondent No.4-Federation for an early lifting of paddy.
3. Today, when the matter is taken up for hearing, learned Counsel for Respondent No.4 submits that the Federation as early as on 24.1.2020 had permitted the Petitioners that they themselves can get the paddy lifted and transported as per clause 2.6 of the agreement to the nearest storage centre of Respondent No.4-Federation. According to the learned Counsel for Respondent No.4-Federation, this liberty the Petitioners should

have invoked at the earliest and should have got the paddy lifted and delivered which they are still free to do it by 31.3.2020.

4. Given the said submission by the learned Counsel for Respondent No.4-Federation, this Court is of the opinion that the present Writ Petition itself can be disposed of giving the liberty to the Petitioners to transport the paddy and delivered it at the nearest storage centre of the Respondent No.4-Federation. In case of any doubt or confusion so far as the storage centre at which the paddy has to be delivered, the Petitioner-Society can approach the Respondent No.4-Federation who shall issue appropriate guidelines or instructions to the Petitioner informing them about the destination at which the paddy has to be delivered. In the event, if there is any further dispute regarding the quantity or quality of the paddy etc., all those issues would be resolved in terms of the agreement entered into between the parties and the standards and specifications provided for the same.

5. The Writ Petition accordingly stands disposed of with the aforesaid direction.

**Sd/-
(P. Sam Koshy)
Judge**

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