

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1359 of 2022

Ennayatpur Primary Agriculture Co-operative Credit Society through its
Chairman Chinta Devi, aged about 55 years (Female), W/o Achelal Rai, R/o
Ennayatpur, P.S. Manjhi, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar at Patna.
2. The Managing Director, the Bihar State Food and Civil Supply Corporation
Ltd., Bihar at Patna.
3. The Registrar, Co-operative Department, Patna.
4. The District Magistrate, Saran.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Saran.
6. Additional District Magistrate, Saran.
7. District Supply Officer, Saran.
8. The District Co-operative Officer, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar
For the Respondent/s	:	Mr. Arvind Ujjwal (SC4) Mr. Shailendra Kumar Singh, Adv

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

3 13-05-2022 This writ application has been filed through one

Chinta Devi claiming to be the Chairman of Ennayatpur

Primary Agriculture Co-operative Credit Society (PACS)

seeking a direction to the respondents to make payment against

supply of Custom Milled Rice (CMR) to the tune of 207.77



quintal equivalent to Rs. 5,32,827/-, to the godown of Bihar State Food & Civil Supplies Corporation Limited (BSFC), Saran. A letter dated 26.07.2018 issued by the District Magistrate, Saran addressed to the Managing Director BSFC is being relied on in support of the claim. The petitioner is also relying on a report signed by the Assistant Manager-cum-Godown In-charge of SFC, Saran in support of supply of CMR to the BSFC godown.

It is evident from the pleadings in the writ petition that according to the petitioner, supplies were made in the financial year 2017-18. This writ petition has been filed in January, 2022. There is no explanation for delay in approaching this Court seeking the relief as noted above. The first representation said to have been made by the petitioner before the District Manager, BSFC, Saran is dated 10.12.2021 (Annexure-6). Immediately after filing of the said representation dated 10.12.2021, the petitioner approached this Court by filing the present writ application.

Further, the documents which have been brought on record cannot be treated to be of such unimpeachable character as would require this Court exercising writ jurisdiction to direct payment as being claimed by the petitioner.



It will be open, however, for the petitioner to invoke ordinary civil remedy before appropriate court on the basis of evidence including those which have been brought on record in this case.

This application is accordingly dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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