

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6203 of 2021

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Pappu Kumar Singh Son of Late Rajo Singh Resident of Village Dhamaur,
P.S. Hisua, District Nawada, the then Chairman of Primary Agriculture
Cooperative Society (in short PACS), Dhanwa, P.S. Hisua, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of
Agriculture, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Circle Inspector-cum-Purchasing Officer, Hisua, Nawada.
4. The District Cooperative Officer, Nawada.
5. Block Cooperative Officer, Hisua, District Nawada.
6. Manoj Kumar Circle Officer, Kurtha, P.S. Kurtha, District Arwal (the then
Circle Inspector-cum-Purchasing Officer, Hisua, Nawada).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Bijendra Kumar, Advocate
For the Respondent/s	:	Mr Syed Iqbal Ahmad, SC XX
		Mr Mahtab Alam, AC to SC XX

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 24-02-2022

Heard learned counsel for the petitioner and the
respondents.

2 The petitioner claims, which is not in dispute, that he
was elected as Chairman of Primary Agricultural Credit Society
(for brevity, *PACS*), Dhanwa in the district of Nawada when a



purchase of 3514.80 quintals of paddy was made through the PACS.

3 The present writ application has been filed seeking direction to the Circle Inspector-cum-Purchasing Officer, Hisua and the then Circle Officer (Respondent No 6) to pay to him a sum of Rs 7,16,056/-, which is the remaining amount, payable to the petitioner against the aforesaid purchase of paddy.

4 A counter affidavit has been filed on behalf of the State of Bihar wherein the petitioner's claim for payment of said sum of Rs 7,16,056/- is being denied on ground of shortage of 178.76 quintals of paddy in the stock. This fact of shortage of the food grains in the stock is not in dispute. Learned counsel for the petitioner has, however, submitted that the petitioner cannot be held liable for the alleged shortage.

5 We are not inclined to entertain this writ application for two main reasons. Firstly, the transaction in question relates to the financial year, 2014 – 15 in respect of which the writ application has been filed in 2021. The writ application, therefore, suffers from the vice of delay and laches, which has remained unexplained to this Court's satisfaction. Secondly, since the petitioner's claim has been specifically disputed in the counter



affidavit, such dispute is not required to be gone into by this Court in a proceeding under Article 226 of the Constitution of India.

6 For the aforesaid reasons, this writ application is dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2022
Transmission Date	NA

