

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4353 of 2022

Sakhmohan Primary Agriculture Credit Cooperative Society Limited At Sakhmohan District- Samastipur through its Chairman Ram Keshwar Singh, male, aged about 64 years, son of Bindeshwari Singh, resident of Sakh Mohan, Ward Mo. 12, Adarsh Nagar, District- Samastipur.

... .. Petitioner

Versus

1. The Union of India, Through the Joint Secretary, Department of Consumer Affairs, Food and Public Distribution, Government of India, Delhi.
2. The State of Bihar Through the Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Secretary, Co-operative Department, Government of Bihar, Patna.
4. The Bihar State Food and Civil Supplies Corporation Limited (BSFC) Khadya Bhawan, Daroga Prasad Rai Path, Patna, through its Managing Director.
5. The District Magistrate, Samastipur.
6. The District Cooperative Officer, Samastipur.
7. The Samastipur Central Cooperative bank Limited, Samastipur through its Managing Director.
8. The Cooperative Extension Officer - cum- Nodel Officer (Procurement), Block - Bibhutipur, Samastipur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Jha, Advocate
For the State	:	Mr. U.P. Singh, AC to SC-4
For the Bank	:	Mr. Bindhyachal Rai, Advocate
For BSFC	:	Mr. Shailendra Kr. Singh, Advocate
		Mr. Utkarsha Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 05-04-2022 The petitioner asserts to be a Primary Agricultural Cooperative Society (PACS), Sakhmohan in the district of Samastipur. The present writ application has been filed through the Chairman of the said PACS seeking following direction:-



For issuance of an appropriate writ/order/direction commanding respondents for procurement of 129 MT Paddy belonging to 31 registered farmers lying in the custody of the petitioner society after collecting the same from the said farmers but, without payment of due price of the paddy to them in the absence of the required order and action to be taken by the authorities acting at the level of the district Samastipur including respondents No. 5 to 8 under the Paddy Procurement Scheme for the Kharif marketing season 2021-22 launched vide a notification of the Government of Bihar contained in Memo No. 4606 dated 01.11.2021.

In response to repeated queries from this Court with reference to the scheme under which the PACS collected the paddy from the farmers in relation to the relief which the petitioner is seeking, learned counsel appearing on behalf of the petitioner has drawn our attention to the statements made in paragraph 6 of the writ application which reads as under:-

“That the petitioner society has been selected for procurement by the Task force, Samastipur. The society started collecting/purchasing paddy from the registered farmers while issuing receipt to them. But, as



stated above, practically, the procurement, in actual manner was subject to the sanction of the lots. Things have been happened in the manner that the petitioner collected paddy from the farmers and issued receipts to them but, payment of MSP was subject to sanction of lot.”

Apparently, the petitioner is attempting to establish its right on the basis of practical arrangement made at the local level and not on the basis of the specific scheme in relation to procurement of food-grains.

In our view, the petitioner has miserably failed to establish any enforceable right for this Court to entertain this writ application. This writ application is accordingly dismissed.

It goes without saying that the petitioner shall be at liberty to pursue its remedy before appropriate authority.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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