

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4134 of 2023

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Rajesh Kumar, Son of Ashok Kumar Sinha, Resident of Village Dariyapur,
P.S. Manpur, District Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Secretary, Cooperative Department, Govt. of Bihar, Patna.
4. The Bihar State Food Corporation, Patna through its Managing Director,
5. The Managing Director, Bihar State Food Corporation, Patna.
6. The Collector, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar (AAG-4)
Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-04-2023

The petitioner purportedly in public interest has filed
the above writ petition seeking a direction to the respondent



State to increase the target for procuring paddy in the Kharif Marketing Season 2022-23 and for extending the time for procuring the same. The petitioner submits that the procurement of agricultural produce including Paddy at Minimum Support Price fixed by the Government is an important beneficial scheme for the farmers which prevents distress sale of such produce. There is also a guideline issued by the Consumer Protection Department, Bihar which is annexed as Annexure-1. The target now fixed is Forty Five lakh metric tons against an estimated production of around One crore twenty one lakh twenty thousand five hundred twenty eight metric tons and even the estimated production of Paddy as per Annexure-2 issued by the Cooperative Department exceeds one crore metric tons.

We are of the opinion that procurement of agricultural produce by the Government on a Minimum Support Price cannot be determined only on the basis of the estimated production. According to the petitioner from the target fixed at Two lakh metric tons in the year 2021-2022 for District of Nalanda, it was subsequently enhanced to Two lakh sixty four thousand metric tons. The present target for the entire State, admitted by the petitioner, is forty-five lakh metric tons. There could be an enhancement made by the State itself in the course



of the year which cannot be forced by judicial orders. The procurement of Paddy and the target fixed for the same is a policy matter and we find no reason to invoke our extra ordinary jurisdiction under Article 226 to direct enhancement of the target now stipulated by the government.

We hence, dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Anushka/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	19.04.2023
Transmission Date	

