

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5522 of 2023

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Smt. Kanchan Kumari Wife of Jayant Kumar @ Pappu Kumar, Resident of
Village - Rasalpur, P.S. - Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Government of Bihar, Patna.
2. The Registrar, Co-operative Department, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation Limited through the Managing Director, Sone Bhawan, Vir Chand Patel Path, Patna.
4. The District Magistrate, Sitamarhi, District - Sitamarhi.
5. The District Manager, State Food and Civil Supply Corporation Limited, Sitamarhi, District - Sitamarhi.
6. The Branch Manager, Central co-operative Bank Limited, Sitamarhi, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. U.P. Singh AC to SC- 4, Advocate
For BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 18-05-2023 Heard learned counsel for the respective parties

2. In the instant petition, petitioner has prayed for the following reliefs:-

"(i) For issuance of an appropriate order/orders, direction/directions, writ/writs in the nature of certiorari for quashing the Memo No.- 49 dated 09.01.2023 issued under the signature of the District Manager, Bihar State Food Supply Limited, Sitamarhi by which he has rejected the claim of the petitioner on the ground that earlier the Petitioner being a Rice Miller not deposited the amount of Rupees 46,98,590.02 and unless and until no dues certificate has not been issued by the Bihar State Food Corporation Limited till then the said



amount has not been paid.

(ii) For further issuance of an appropriate order/orders, direction/directions, writ/writs in the nature of mandamus commanding the respondent for payment of due amount which is Rs. 21,16,108/- with interest to the petitioner which has not been paid to the Petitioner by the Bihar State Food Corporation Limited, Sitamarhi due to ill action and arbitrariness by the Respondent.

(iii) For further commanding the Respondent to issue procurement in favour of the petitioner for the coming session if the same has not been allotted then Petitioner will suffer monetary loss because the State Respondent has not been paid the due amount unless or until the due amount has not been paid then the Bank could not issue loan to the Petitioner.

(iv) For any other relief or reliefs for which the Petitioner may be found to be entitled for the facts and circumstances of the case."

3. The petitioner has been directed to produce certain material information like No Dues Certificate and copy of the relevant bills insofar as claim is concerned.

4. *Prima facie*, the present petition is pre-mature. The petitioner has to comply the directions issued by the District Manager, State Food Corporation, Sitamarhi dated 09.01.2023. The Petitioner is at liberty to comply the direction. Accordingly, the present writ petition is disposed off as pre-mature.

(P. B. Bajanthri, J)

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