

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11770 of 2019

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M/s Shobha Coir Foam Pvt. Ltd. through its Managing Director Ajit Kumar Sinha, Son of Mauze Lal Sinha, Resident of Village- Kharuara, Post- Charo, P.S. Harnaut, District- Nalanda, at Present resident of Mohalla- Chamanchak, P.O. Manoharpur, Kachuara, P.S. Ram Krishnanagar District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Sone Bhawan, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Nalanda.
4. The District Collector, Nalanda, Bihar.
5. The Certificate Officer, District- Nalanda.
6. M/S Vikas Agro Private Ltd. through its Managing Director, Ranjeet Kumar, Son of late Dayanand Prasad, Village- Raghubigha, P.S. Bena, District- Nalanda.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shambhu Prasad Singh, Advocate
For the State	:	Mr. Arvind Ujjwal, SC-4
		Mr. V.P. Singh, AC to SC-4
For the Corporation	:	Mr. Shailendra Kumar Singh, Advocate
		Ms. Usha Kumari, Advocate
		Mr. Utkarsh Utpal, Advocate
For the Resp No. 6	:	Mr. Krishna Mohan Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 01-05-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the ‘Corporation’) (respondent no. 2) and learned counsel for M/S Vikas Agro Private Ltd. (respondent no. 6).

2. The present writ application has been filed for the



following reliefs:-

“(i) For issuance of appropriate writ/writs, order/orders and/or direction/s to the respondents Bihar State Food and Civil Supplies Corporation Limited, Patna to vacate and hand over the possession of petitioner’s premises measuring about 10,000 sq. ft. situated at village-Kharuara, Post-Charo, Harnaut, District-Nalanda which had been rented to the respondent no. 6 for godown purpose at monthly rental of Rs.31,000/- (Thirty One Thousand) per month by the petitioner and which has been sealed by the respondent Bihar State Food Corporation Ltd., Patna on account of pending certificate case against the respondent no. 6 vide certificate case No. 03/2016-17 for recovery of certificate amount of Rs.8,64,88,093/-.

(ii) For further issuance of appropriate writ/s thereby commanding and directing the respondent to pay the petitioner arrears of godown rent amounting to Rs.11,71,000/- upto March 2019 and upto date godown rent till the date of vacating the said godown along with interest and cost as they have illegally confiscated the godown premises without any information or consent of the petitioner who is the owner of the said godown premises having valid right, title and interest over the property in question.

(iii) For grant of any other relief/s which the petitioner may be entitled to in the facts and circumstances of the case.”

3. A counter affidavit has been filed on behalf of respondent no. 6. He has stated that for the shortage of approximately 28,236 Quintal of rice worth Rs.8,64,88,093/-, a first information report has been lodged in Harnauth Police Station against answering respondent and the Assistant Godown Manager of the Corporation. The respondent no. 3 has also filed a certificate case before the Certificate Officer against



answering respondent, his wife and Assistant Godown Manager. It is submitted in paragraph '10' of the counter affidavit that the Corporation has illegally occupied the godown of the petitioner without having any authority. He has further stated that since the godown has been occupied by the Corporation since 2014-15, therefore, the Corporation is liable to pay rent also.

4. Contrary to the aforesaid stand of respondent no. 6, respondent nos. 2 and 3 has filed counter affidavit as well as supplementary counter affidavit wherein it is stated that it is a case involving a private dispute between the petitioner and respondent no. 6. The respondent no. 6 is a defaulter. He has defalcated public foodgrain i.e. CMR to the value of Rs.8,64,88,093/-. It is stated that legal action has been taken against him. So far as the godown is concerned, it is stated that the godown remained under possession of the private respondent no. 6, therefore, he cannot deny the responsibility.

5. In today's submissions, Mr. Shailendra Kumar Singh, learned counsel for the Corporation has repeatedly submitted that the Corporation has not put any seal/ lock on the godown.

6. Having regard to the facts and the kind of stand taken by the Corporation saying that the Corporation has not put



any seal on the godown and it is a dispute between the petitioner and private respondent no. 6 alone, this Court finds no reason to proceed with this writ application.

7. Liberty is available to the petitioner to seek his remedy in accordance with law.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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