

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.850 of 2019
In
Civil Writ Jurisdiction Case No.890 of 2017

1. The State of Bihar
2. The Agriculture Production Commissioner, Agriculture Department, Government of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
4. The Secretary, Agriculture Department, Government of Bihar, Patna.
5. The Director Agriculture, Agriculture Department, Government of Bihar, Patna.
6. The Joint Director (Agronomy), Inputs, Agriculture Department, Government of Bihar, Patna.
7. The District Agriculture Officer, Nalanda.
8. The Block Agriculture Officer, Block- Giriyak, District- Nalanda.
9. The Block Agriculture Officer, Block- Rajgeer, District- Nalanda.
10. The Block Agriculture Officer, Hilsa, District- Nalanda.
11. The Block Agriculture Officer, Block- Islampur, District- Nalanda.
12. The Block Agriculture Officer, Block- Katrisarai, District- Nalanda.
13. The Block Agriculture Officer, Block- Tarthri, District- Nalanda.
14. The Block Agriculture Officer, Block- Parbalpur, District- Nalanda.
15. The Block Agriculture Officer, Block- Kariper Suraj, District- Nalanda.

... .. Appellant/s

Versus

M/s Azad Agro Agency Ramchandrapur, Bihar Sharif, Nalanda through its Proprietor Mr. Sunil Kumar Azad, S/o- Sri Ramji Prasad, R/o Village- Meyar, P.S.- Nursarai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghwanand, GA-11 Mr. Pratik Kumar, AC to GA-11
For the Respondent/s	:	Mr. Adil Abbas, Advocate Mr. Saurav Suman, Advocate Mr. Dharam Vishwas, Advocate Mr. Raj Narayan Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 25-07-2024

1. Heard learned counsel for the appellants-State of Bihar and learned counsel for the respondent.

2. The appellants have preferred this appeal against the order dated 31.8.2018 passed in CWJC no.890 of 2017.

3. The case of the writ petitioner-respondent in brief is that pursuant to the letter contained in letter no.491 dated 31.1.2012 of the Agriculture Production Commissioner, Bihar, Patna whereby the District Agriculture Officers of the State were directed to distribute *dhaicha* seeds pursuant to the Green Urea Promotion Scheme, the writ petitioner supplied seeds to the farmers of different blocks in Nalanda district but was not paid his dues of Rs.51,75,440/ and as such, he filed the writ application.

4. A counter affidavit was filed on behalf of the State of Bihar stating therein that there was delay and latches in the writ petitioner moving this Court and that it had further transpired that the seeds had been purchased by the writ petitioner from outside the State. As such, it appeared that no seed had been distributed and the writ petitioner was raising a fictitious claim. It was prayed that the writ petition be dismissed.



5. Learned Single Judge having gone through the material on record, by order dated 31.8.2018 allowed CWJC no.890 of 2017 directing the State of Bihar to make payment of the admitted dues as verified by the District Agriculture Officer within a period of three months. It is against this order that the instant appeal has been preferred.

I.A. no.2 of 2019

6. The instant interlocutory application has been filed by the appellants praying for condoning the delay of about 296 days in filing of the instant appeal.

7. It has been submitted on behalf of the appellants that the order dated 31.8.2018 read with the order dated 9.8.2018 came to be received in the Department along with representation of the writ petitioner on 27.8.2018. A letter dated 27.11.2018 was issued by the Director of Agriculture, Bihar stating that steps be taken for filing of the LPA. Thereafter, a reminder was sent by the Director of Agriculture on 25.2.2019 and again on 26.4.2019 whereafter the District Agriculture Officer, Nalanda got the statement of facts prepared and got the same sent to the Directorate for approval. The file was sent to the Law Department on 17.5.2019 and on obtaining the opinion, the instant appeal was filed on 25.7.2019.



8. The interlocutory application is opposed by learned counsel appearing for the respondent.

L.P.A. no.850 of 2019

9. Having heard learned counsel for the parties and having perused the material on record, this Court finds that the writ petitioner-respondent not having received the amount of Rs.51,75,440/ of supply of *dhaicha* seeds in different blocks of Nalanda district filed the writ application for a direction to the Authority to make payment of the same. It was the case of the writ petitioner that supply of seeds had been made to the farmers of different blocks on the recommendation of the District Agriculture Officer, Nalanda as well as all concerned Block Agriculture Officers of Nalanda district.

10. It further transpires that the District Agriculture Officer after verification of the supply of seeds, had recommended on 14.10.2014 for payment of Rs.51,75,440/ to the writ petitioner. On not having received the payment, the writ petitioner got a legal notice sent, in reply to which the District Agriculture Officer, Nalanda once again stated that payment will be made as soon as the funds are available. Taking all these facts into consideration, the learned Single Judge by order dated 31.8.2018 allowed the application of the writ petitioner and



directed for payment of the amount within a period of three months.

11. Having heard learned counsel for the parties and having perused the material on record, the Court finds that the appellants-State of Bihar has not made out a case either for condonation of delay of 296 days in filing of the instant appeal nor has been able to show any illegality in the order of the learned Single Judge.

12. There is no merit in the instant appeal. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2024
Transmission Date	

