

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10645 of 2015

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Dilip Singh S/o Nitya Nand Prasad Singh R/o Village Girdharpatti, Gram
Panchayat Sohata, P.S. Chhatapur, District Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Supply, Consumer Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Civil and Supply Consumer Department, Bihar, Patna.
3. The Managing Director, State Food Corporation, Sone Bhawan, Patna.
4. The District Co-operative Officer cum Assistant Registrar, Co-Operative Society, District Supaul.
5. The District Magistrate, Supaul, District Supaul.
6. The Sub Divisional Officer, Triveniganj, District Supaul.
7. The District Manager, Bihar State Food and Civil Supplies corporation, Supaul, District Supaul.
8. The Branch Manager, Bihar State Co-operative Bank Limited, Branch Bihat, District Begusarai.
9. The Purchasing Centre Incharge, Bihar State Food Corporation, Chhatapur, District Supaul who was working as Block Agriculture Officer, Chhatapur, District Supaul at the relevant time.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Sharda Nand Mishra Bishwa Nath Mahto Shambhavi Vats Anju Kumari, Advocates
For the State	:	Mr. Pandey S Sahay, GP 6 Mr. Prabhat Kumar, SC to GP 6
For B.S.C.B.Ltd.	:	M/s S.N.Pathak, Saurabh Kumar, Advocates
For BSFC	:	M/s Shailendra Kumar Singh Utkarsh Utpal, Advocates

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

15 26-06-2024

Heard learned counsel for the parties.

2. The petitioner has filed the present application for
the following relief:

*“The writ petition is filed for issuance of
writ in nature of mandamus for direction to the*



respondents to pay the due amount of money, which is due before respondent nos. 8 & 9, after depositing paddy crops, which is claiming by the respondents Bank about the due money of the loan, whereas on the basis of the tripartite agreement between PACS and Bihar State Cooperative Bank and Bihar State Food and Civil Supply Corporation, as per the agreement, petitioner has committed no any breach of the agreement rather respondent Bihar State Food and Civil Supply Corporation committed breach of the agreement as he is taken paddy from the petitioner but he has not deposit the cost of the paddy in the loan Account of the petitioner nor any payment made to the petitioner, not only also committed breach of the agreement, as per tripartite agreement, as respondent nos. 7 & 9 should have purchased the paddy from the petitioner in the due time, but did not take any response after repeated request by the petitioner as well as the respondent authority, in this circumstances petitioner is not liable to pay the alleged loan amount of the respondent Bank rather recovered from respondent nos. 7 & 9 and further issued direction to respondent nos. 7 & 9 to deposit the cost amount of the paddy, which has already been received by respondent no.9 and further directed to compensate lost of paddy, which has not received in due time by respondent nos. 7 & 9 and have lost due to part of their fault and further give other legal consequential benefits.”



3. At the outset, Learned counsel for petitioner contended that since this matter is squarely covered under the order dated 01.12.2023 passed in CWJC No. 14138 of 2015 (Amrendra Kumar Vs. The State of Bihar & Ors.), this writ petition may also be disposed of on the same term and conditions.

4. It is relevant to mention here that Respondent No. 7 the District Manager, Bihar State Food and Civil Supplies Corporation, Supaul, has filed counter and in paragraph no. 9 he has categorically submitted that the petitioner has only claim against statement quantity, not produce document regarding purchase paddy and after deposit the AGM SFC has issued receipt in favour of petitioner. The petitioner only annexed application, not documents.

5. In view of the fact that this matter is squarely covered by the aforesaid order, without going into the merits of the case, the petitioner is directed to approach the Respondent No. 7, the District Manager, Bihar State Food and Civil Supplies Corporation, Supaul, District Supaul for ventilating their grievance along with the supporting documents within a period of four weeks from the date of the receipt of the copy of this order. On such representation being made, the Respondent



No. 7 shall consider the said representation and pass necessary orders duly taking into consideration the representation along with the supporting documents filed by the petitioner. In case, the Respondent No. 7 is of the view that the orders of this Court passed in LPA No. 881 of 2016 dated 06.08.2018 wherein this Hon'ble Court has directed the constitution of a Committee consisting of the District Magistrate, the Enforcement Officer of the concerned Block and one Senior Officer of the BSFC to be nominated by the Managing Director has to be followed to look into the entire controversy and submit a report he shall do so. In case, the report of the Committee is in favour of the petitioner, the Respondent No. 7 shall pass necessary orders for payment of the amounts due to the petitioner. Any order passed by the Respondent No. 7 shall be communicated to the party.

6. With the above direction, the present Writ Petition stands disposed of to the extent indicated above.

(G. Anupama Chakravarthy, J)

Spd/-

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