IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 4389 of 2023

Asha Prasad, aged about 62 years, W/o Akhileshwar Prasad, Residents of Village - Maghigawan, P.O -Lamipatra, P.S:- Pandwa, Dist:- Palamau.

... Petitioner

Versus

1. State of Jharkhand
2. The Secretary of Agriculture, Animal Husbandry and Co-operative Department, Nepal House, Doranda, P.O. + P.S. Doranda, Dist. Ranchi, Ranchi-834002.
3. The Secretary Department Of Food, Public Distribution & Consumer Affairs, Project Bhavan, Dhurwa P.O. & P.S. Dhurwa, - Ranchi-834004.
4. The Chairman State Food Commission, 2nd Floor Jharkhand State Housing Board, Old Building, Harmu Housing Colony, P.O. + P.S. Harmu, Ranchi-834002.
5. Deputy Collector Palamu at Daltonganj, P.o & Ps -Daltonganj, Palamu.
6. District Supply Officer at Palamau, P.o & P.s - Daltonganj, Palamau.
7. Block Development Officer, Block Pandwa, P.o & P.s -Pandwa, Palamau.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioner: Mr Aman Kumar, Advocate
For the State: Mr Vibhor Mayank, A.C. to A.G.
For the Intervenors: Mr Pratyush Shounikya, Advocate
Mr Manish Kumar, Advocate

19/Dated: 01.10.2026

1. Heard Mr Aman Kumar, learned counsel for the petitioner, Mr Vibhor Mayank, learned A.C. to A.G. for the State and Mr Pratyush Shounikya, learned counsel for the Intervenors.

2. This petition, in the public interest, was filed to espouse the cause of about 128 farmers, referred to in the report annexed at pages 19 to 26 to I.A. No. 8137 of 2024, seeking recall/

modification of this Court's order dated 10.07.2024 made in this petition.

3. The petitioner has pleaded that these poor farmers supplied crops to the respondents (State authorities) against a valid receipt. Further, these farmers have also been paid 50 % of the amount due for such supply. However, the grievance in the petition is that the balance 50% amounting to approximately Rs. 1.71 crores was being withheld without assigning any reasons or in any event for no good reason.

4. On 9th July, 2024, learned counsel for the State sought an adjournment to obtain instructions on the timeline within which 50% of the dues of the poor farmers could be paid.

5. On 10th July, 2024, the Under Secretary, Food, Public Distribution Department filed an affidavit on the issue of payment of the balance amount to the poor farmers.

6. On 10th July 2024, a Coordinate Bench of this Court, after perusing the affidavit filed by the Under Secretary, made the following order:-

> *"In compliance of the order dated 08.07.2024, an affidavit has been filed by the Under Secretary, Food, Public Distribution Department wherein paragraphs-4 and 5 states as follows:*
>
> > *"4. That the department of Food, Public Distribution and Consumer Affairs, Jharkhand vide their letter no.1613, dated 08.07.2024 directed Deputy Commissioner, Palamu to submit an inquiry report regarding pending payment to the concerned farmers and submit the requisition related to the required amount to the Managing Director, Jharkhand State Food and Civil Supplies Corporation Limited, Ranchi by 31.07.2024.*
> > *5. That the department of Food, Public Distribution and Consumer Affairs, Jharkhand*

> *vide their letter no.1612, dated 08.07.2024 directed Managing Director, Jharkhand State Food and Civil Supplied Corporation Limited, Ranchi to ensure that the payments are made to the concerned farmers within 7 days of receiving the report from Deputy Commissioner, Palamu."*
>
> *2. It is quite unfortunate that without understanding the imputation of the order such affidavit has been filed, therefore, we are not accepting this affidavit filed by the Under Secretary and the same is rejected.*
>
> *3. Once the amount has been calculated and 50% has already been paid, therefore, all the figures are available with the department itself and 50% balance amount is to be paid.*
>
> *4. At this point of time, learned counsel for the respondent-State undertakes that the balance amount will be paid by first week of August, 2024.*
>
> *5. If the amount will not be paid, as undertaken by the learned counsel for the respondent-State, contempt proceeding will be initiated against the Secretary of the concerned Department for non-compliance of the order passed by this Court.*
>
> *6. Call this matter on 07.08.2024."*

7. Despite the above order, there was no compliance. The undertakings given to this Court regarding payment to the poor farmers were *prima facie* breached. However, on 13th September 2024, the learned A.C. to A.G. submitted that I.A. No. 8137 of 2024 had been filed seeking recall of this Court's order dated 10th July 2024 on the ground that, in the course of enquiry, some irregularities had surfaced, and the report suggested the complicity of some of the farmers. It is pointed out that two F.I.R.s have also been filed in this regard.

8. On 13th September 2024, the Coordinate Bench of this Court made the following orders:-

> *"Heard the learned counsel appearing for the parties.*
>
> *2. The matter has been taken up out of turn considering the predicament of the farmers who have filed the present W.P(PIL) for issuance of a direction upon the respondent-State for payment of the rest 50% of the amount in their favour for the paddy crops purchased by the State.*
>
> *3. Mr. Piyush Chitresh, the learned AC to the learned Advocate General has submitted that one interlocutory application being I.A No.8137 of 2024 has been filed for recall of the order dated 10th July 2024 on the ground that in course of inquiry some irregularities have been surfaced and in the said inquiry it has been reported that even there will be chances of the involvement of some farmers. The reference of two First Information Reports have also been made in the said interlocutory application.*
>
> *4. Let this matter be listed after a week so that the response of the said interlocutory application, if any, may be filed.*
>
> *5. List this matter on 20th September 2024."*

9. Thereafter, from time to time, orders were made to expedite the enquiry proceedings and to require the State to submit status reports on the F.I.R.s that had already been filed. There has been hardly any progress, and the status reports do not appear to have been filed.

10. I.A. No. 8137 of 2024, which is taken up for consideration today, seeks recall/modification of a Coordinate Bench's order dated 10.07.2024 recording an undertaking on behalf of the State that the balance 50% amount towards supply of crops would be paid to the 128 farmers, who had already been paid 50% of the amount.

11. The modification is applied for, *inter alia,* on the grounds set out in paragraph No. 2 of I.A. No. 8137 of 2024. Therefore, the contents of paragraph 2 of the I.A. are transcribed below for the convenience of reference: -

> *"2. That respondents seek to modification/recalling of the above order on the following grounds:*
>
> *An inquiry report was sought from the Deputy Commissioner, Palamu for the pending payment of farmers through departmental letter no.-1613, dated 08.07.2024. A detailed report has been provided by the Deputy Commissioner on the basis of the enquiry conducted by the district & block level Paddy Procurement Monitoring Committee for the pending payment of farmers.*
>
> *In the inquiry report, many irregularities have been found in the paddy procurement process related to Patra PACS.*
>
> *The irregularities as per the inquiry report are as follows:*
>
> *(a) The procurement center did not have sufficient storage capacity to store pending paddy of 8,356.80 quintal. The PACS has an estimated capacity to store about 9,500 bags of paddy whereas it should have the capacity to store 20,890 (estimated) bags for 8,356.80 quintal of pending paddy.*
>
> *(b) Generally, paddy purchase is done from 10:00 am to 05:00 pm on a working day. During this period, a maximum of 200-250 quintal of paddy can be purchased by the procurement center in a day, whereas Patra PACS has shown paddy purchase of up to 532.03 quintal in a day.*
>
> *(c) 24 farmers sold paddy in much higher quantity than the land they posses as per the average productivity. For example, Shri Satendra Kumar sold 68 Quintal paddy against 2.84 Acre land, Smt. Kisha Devi sold 140.40 Quintal paddy*

against 2.77 Acre land they posses which is clear the case of irregularities/embezzlement.

(d) Paddy has been sold by more than one farmer on the basis of the same plot of land. For example, Shri Girendra Kumar Singh sold 128.00 Quintal paddy & Shri Ravindra Kumar Singh sold 128.00 Quintal paddy against the same piece of 1.50 Acre land.

(e) It is clear from the inquiry report that in collusion with Patra PACS President, Shri Yamuna Singh, concerned purchase officer Shri Manoj Kumar Mishra and some farmers, the purchase of more paddy has been shown than the actual quantity purchased, due to which the fake reported quantity of paddy could not be sent to Rice Mill by procurement Center.

(f) 8356.80 quintal of paddy has been embezzled by Primary Agriculture Credit Cooperative Societies (PACS). Higher quantity of paddy has been reported than the actual paddy purchased for the intension to grab Government Money."

12. The I.A. also points out that an F.I.R. was lodged against Sri Manoj Kumar Mishra, Panchayat Sewak and then Purchase Officer, Patra PACS. The I.A. also refers to the commencement of departmental proceedings against said Sri Manoj Kumar Mishra.

13. For the above reasons, it is submitted that we should recall or modify our order dated 10.07.2024.

14. The IA mainly contains allegations against the Government officials in general and Sri Manoj Kumar Mishra in particular. Some allegations are levelled against some of the specified farmers numbering about 24 out of 128. No FIRs are filed against the farmers, but FIR is lodged only against Sri Manoj

Kumar Mishra. Proceedings for recovery of Rs. 1.71 Crore are also initiated against him for losses allegedly caused by overpayments or payments not due.

15. Despite opportunities, we were not apprised of any progress in the criminal and civil proceedings. Therefore, based on the allegations in the IA, it would not be proper to deprive the farmers, particularly those against whom no allegations have been made, of their long-pending dues. Moreover, after the State has given solemn undertakings that the dues would be cleared.

16. From the averments in the IA, allegations, yet to be substantiated, have been made against about 24 out of the 128 farmers. Mr Mayank initially accepted this, though he later tried to resile as this order was being dictated. Based on such allegations, which are neither substantiated nor diligently probed, the payments to the remaining 104 farmers out of the 128 farmers referred to in the list at pages 19 to 26 annexed to the I.A. cannot be withheld.

17. There are no allegations whatsoever against the remaining 104 farmers. Accordingly, no case is made out to recall this Court's order dated 10.07.2024 in its entirety. At most, the said order can be modified, and the undertaking/direction for payment can be restricted to the remaining 104 farmers, since there is no dispute about the identification of such 104 farmers.

18. Mr Mayank's argument about unjust enrichment is untenable. The State has already initiated recovery proceedings against Sri Manoj Kumar Mishra. At least *prima facie*, the allegation

against Sri Mishra is that after receiving the grains/crops from the farmers and paying them to the extent of 50 per cent, the grains were diverted for sale in the open market by fudging records and embezzlement. Therefore, even if such allegation is accepted at its face value, no case is made out to wholesale deny the farmers of their dues.

19. Accordingly, the order dated 10.07.2024 is modified, and it is clarified that the undertaking and the direction therein for payment to all the farmers, i.e. 128 farmers, will now be read as a direction for payment to only 104 farmers. This excludes the 24 farmers alleged to be complicit in certain irregularities concerning crop supplies and receipt of payments.

20. Even after the above modification, the respondents will have to pay the balance 50% amount withheld from 104 farmers. This is because these farmers have receipts for the supply of crops and, admittedly, have been paid 50% of the amount for such supplies.

21. Since, at a belated stage, it is suggested that other farmers may also be involved, we suspect that the State is avoiding payments even to the farmers against whom there were no allegations all this while by simply raising unsubstantiated doubts. There is no explanation as to why such alleged irregularities were never detected earlier, and the allegations surfaced only after solemn undertakings were given to this Court about payments. There is also no progress in the investigations, departmental proceedings or the recovery proceedings.

22. Therefore, considering the above circumstances, we modify the Coordinate Bench's order dated 10.07.2024 only partially and direct the State to deposit in this Court the amount payable to the 104 farmers from the list of 128 farmers provided by the State itself within 2 months from today. The deposit must be made after giving due intimation to the learned advocate for the petitioner.

23. Regarding the balance 24 farmers, the State can complete the enquiries after giving due notices to such farmers. If they are found complicit, an order should be passed denying them the amounts. The farmers are given liberty to challenge such orders in accordance with the law.

24. If the 24 farmers are not found complicit, the amounts payable to them must be released. This entire exercise must be initiated within a month from today and completed within a maximum period of 4 months thereafter. If no proceedings are initiated against these 24 farmers within one month, or if they are not concluded within 4 months thereafter, the amounts must be paid to these 24 farmers within a month of the failure to initiate or, if initiated, within one month of the failure to conclude within 4 months.

25. Upon deposit, the Registry must disburse the amounts to the 104 farmers by directly transferring the amounts to their bank accounts and not through any other mode. The petitioner must furnish identity and bank details to the Registry.

26. The directions in the Coordinate Bench's order dated 10.07.2024, as modified above, are once again reiterated and made absolute.

27. This petition is disposed of in the above terms. Pending Interlocutory Applications do not survive and are disposed of.

28. Nothing in this order is intended to affect the proceedings initiated against Sri Manoj Kumar Mishra or any other Government official. Such proceedings must be disposed of in accordance with the law and on their own merits.

29. The Secretary, Department of Food, Public Distribution and Consumer Affairs, Government of Jharkhand, shall be personally responsible for implementation of this order. He shall file a compliance report in this Court by 7th December 2026 after giving an advance copy to the learned counsel for the petitioner.

30. Though this petition is now being disposed of, place the matter for examining the compliance on 10th December 2026 at 2:15 p.m.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 01, 2026

N.A.F.R.

APK/VK

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