



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2133 of 2025

1 - Adim Jaati Sewa Sahkari Samiti Marayadit Kulhariya Having Its Registration No. 308, Through Its Incharge Manager Shani Kumar Yadav S/o Shri Hariram Yadav, Aged About 28 Years, R/o Vilage Kulhariya, Post Pali, District Korba Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Food, Civil Supplies And Consumer Protection, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District - Raipur Chhattisgarh

2 - Secretary Department Of Finance, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District - Raipur Chhattisgarh

3 - Director Directorate Of Food And Civil Supplies, Indrawati Bhawan, Atal Nagar, Nawa Raipur District - Raipur Chhattisgarh

4 - Collector Korba District Korba Chhattisgarh

5 - Registrar Co-Operative Socities, Indrawati Bhawan, Nawa Raipur, Atal Nagar District Raipur Chhattisgarh

6 - Managing Director C.G. State Co-Operative Marketing Federation Limited, Cbd Complex, Commercial Block C, Sector 21, Atal Nagar, Nawa Raipur District - Raipur Chhattisgarh

7 - District Marketing Officer C.G. State Co-Operative Marketing Federation Limited, Korba, District Korba Chhattisgarh

... Respondent(s)

For Petitioner : Mr. Vikas Kumar Pandey, Advocate.

For Respondents No. 6 & 7: Mr. Harshal Chouhan, Advocate

For State : Mr. Khulesh Sahu, P.L.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

30.04.2025

1. By way of this petition, the petitioner has prayed for following reliefs:-

“10.1 The Hon'ble Court may kindly be pleased to issue direction to the respondents to issue orders for lifting of the paddy stored at the petitioner Society and pay the commission of the said purchase to the Society.

10.2 Any other consequential relief which this Hon'ble Court deems fit and proper and for which the petitioner is entitled, may also kindly be granted to the petitioner, in the interest of justice.”

2. Learned counsel for the petitioner submits that the the impugned inaction of the respondents in not lifting the paddy from the petitioner society is wholly arbitrary, unjust, and contrary to the applicable legal framework governing procurement operations. The continued non-lifting of paddy is not only causing significant financial loss to the petitioner society, which is burdened with the cost and responsibility of storage, but is also leading to the deterioration of the paddy due to prolonged and improper storage conditions. This situation, if allowed to persist, will inevitably result in loss to the public exchequer, as the damaged stock would become unfit for distribution or sale, thereby wasting valuable public resources. Hes submits that despite repeated representations and reminders submitted by the petitioner, the respondents have failed to take any concrete action, demonstrating a clear disregard for their statutory duties. Such inaction is not only detrimental to the petitioner but also violative of public interest, as the resultant loss to State Revenue directly affects the broader rights of the public and undermines effective governance.
3. Learned State Counsel submit that the reasons provided by the petitioners can be considered to some extent, however, the petitioners are attempting to take advantage of the climatic conditions and the natural driage of the paddy. They submit that the petitioners seek allowing the deficit in the quantity of paddy, which, according to the State, cannot be accepted. They submits

that the State Government is expected to take a decision on this matter shortly and once the decision is taken, the petitioners will be informed in accordance with the State Government's decision.

4. Learned Counsel for Respondent - MARKFED submits that, regarding the lifting of paddy, the MARKFED is actively lifting the paddy, and it would be incorrect to state that the lifting is not taking place. It is stated that regarding the deficit in paddy, the respondent State may be directed to conduct an inquiry and to take a decision concerning the lifting of the remaining paddy. However, it has been specifically stated that there is no hindrance in the lifting of paddy and there are circulars from the Central Government as well as directions from the State Government, due to which the lifting of paddy is being done repeatedly. It is submitted that the date for lifting the paddy has been extended multiple times and most recently, it was extended through orders dated 19.02.2025, 01.03.2025, and 15.03.2025. As such, the grievance raised by the petitioners has largely been addressed, and only a very small quantity remains. The respondents are confident that the State Government will issue necessary orders concerning the lifting of the remaining paddy from the procurement centers and for the decision regarding the loss of quantity of the paddy, it will be upon the Central and State Governments to take the necessary decisions and issue appropriate orders. It is further submitted that the MARKFED is the agency entrusted with lifting the paddy and sending it to the

custom milling centers, is fulfilling its responsibilities. It is contended that once the Central Government, in consultation with the State Government, makes a decision regarding adjustment of the loss of quantity of paddy, the matter will be adjusted in accordance with law and at present, the major part of the petitioners' grievance has already been redressed.

5. I have heard learned counsel for the parties, considered their submissions put forth before me and have also gone through the documents appended to the writ petitions.
6. Upon perusal of the record, circulars and policies, it appears that the quantity of paddy is being lifted from the concerned procurement centers time to time and the time for lifting paddy has been extended several times. From the submissions made by the counsel for the respondent State, it seems that the State Government is considering a decision regarding the lifting of paddy beyond the extended time. Furthermore, since the paddy has been collected by the concerned procurement centers in accordance with Government policy and the agreements entered into by the parties, it is the duty of the State to collect the said paddy whereas for various reasons, the paddy could not be collected on time. Since the State Government has extended the lifting time repeatedly, it is expected that considering the welfare nature of the State, the paddy would be lifted from the concerned procurement centers. This act is to prevent damage to the collected paddy due to the efflux of time, climatic conditions,

natural hazards such as mice and other insects and to the fact that the rainy season is proximate.s

7. Considering the facts and circumstances of the case, the nature of the grievance raised, and the relief sought in the writ petition, it is directed that the respondent authorities shall lift the paddy stored in the procurement centers according to verification of their weight and quality and give a receipt of the same to the petitioner. It is made clear that the actual weight at the time of lifting of the paddy will be considered by the respondent authorities.
8. With this observation and direction, the writ petition is **disposed of**.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha