
(1991) 12 PAT CK 0002
In the Patna High Court
Case No : C.W.J.C. 8629 of 1991

Dr. Mahachandra Prasad Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-12-1991

Acts Referred:

Bihar Sugarcane (Regulation of Supply and Purchase) Act, 1981 — Section 31, 43

Citation : (1992) 2 PLJR 853

Hon'ble Judges : B.C. Basak, C.J;S. Hoda, J

Bench : Division Bench

Judgement

1. Leave is given to the Petitioner to correct the cause title so far as the description of the Petitioner is concerned.

2. It is unfortunate that in spite of the decision of this Court delivered more than 31/2 years back the concerned authority is still evading its statutory liability. The question involved in this matter is about payment of price of cane by the occupiers of factories to the suppliers of cane. It is quite clear from Section 43 of the Bihar Sugarcane (Regulation of Supply and Purchase) Act, 1981 (hereinafter referred to as the "Act") to the effect. This was also decided by a decision of this Court in Akhileshwar Prasad Narain Singh v. State of Bihar and Ors. 1988 PLJR 1005). We fully agree with the judgment, and in view of section 43 of the Act this liability cannot be denied. Accordingly, we direct the Respondents concerned to pay the amount to the suppliers along with interest as provided in Section 31 of the Act by 31st of January, 1992.

3. Let it be recorded that the above direction is limited only to those suppliers, who have supplied sugarcane and who are members of the Association, namely, Swami Sahjanand Kishan Sangathan, on whose behalf this petition has been filed, as only their legal right is sought to be enforced in this writ petition.

4. However, having regard to the above- mentioned decision delivered more than 31/2 year back, we would hope that the State Government would act in

accordance with law and would not compel other cane suppliers to file writ petition in this Court to enforce their legal right because, in our opinion, that will not be a bona fide stand of the Government.

5. So far as the dispute regarding the actual sum due is concerned, that shall be decided upon hearing the supplier concerned.

6. This disposes of this writ petition.