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Court : Jharkhand

Decided On : Mar-22-2004

Reported in : [2004(3)JCR175(Jhr)]

Judge : Amareshwar Sahay, J.

Acts : [Constitution of India](#) - Articles 226 and 227

Appeal No. : WP (C) No. 4069 of 2002

Appellant : Ramesh Kumar and ors.

Respondent : State of Jharkhand and ors.

Advocate for Def. : R.N. Sahay, Adv.

Advocate for Pet/Ap. : Sujit Narayan Prasad, Adv.

Disposition : Application dismissed

Judgement :

ORDER

Amareshwar Sahay, J.

1. Heard the parties.

2. The petitioners have prayed for quashing of Annexure-5 dated 19.4.2002 i.e., a letter by the Government of Jharkhand, addressed to all the Deputy Commissioners, whereby it was directed that the quota of Sugar allotted shall be lifted from the Sugar mills by the Bihar State Food Corporation and the wholesalers were directed to deposit the money to the Bihar State Food Corporation for lifting Sugar.

3. The petitioners who are wholesale dealers of Sugar, their grievance is that earlier the wholesalers used to lift sugars from the mills directly and there was no, complaint whatsoever against them, nor the wholesalers showed their inability in lifting Sugar and, therefore, the issuance of Annexure-5 is illegal and the wholesalers cannot be forced to deposit the money to the Bihar State Food Corporation for lifting Sugar.

4. In my view, the direction as contained in Annexure-5 has been issued by the Government of Jharkhand by way of a policy decision for proper distribution of the levy sugar. In the matter of policy decision of the State Government, this Court does not interfere generally in exercise of its writ jurisdiction under Articles 226 and 227 of the [Constitution of India](#) except in exceptional cases. In the present case, nothing exceptional has been pointed out by the petitioner which can call for interference in the policy matter of the State. Accordingly, this writ application is dismissed.