

**The High Court Of Madhya Pradesh**

**WP-10083-2021**

*(GULAB SINGH Vs UNION OF INDIA AND OTHERS)*

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**Jabalpur, Dated : 15-06-2021**

**Heard through Video Conferencing.**

Mr. Naman Nagrath, Senior Advocate assisted by Mr. Himanshu Mishra, Advocate for the petitioner.

This writ petition in the form of Public Interest Litigation has been filed by Mr. Gulab Singh praying for a direction to the respondents- Union of India, Food Corporation of India, State of Madhya Pradesh and Madhya Pradesh Warehousing and Logistic Corporation to take immediate steps for proper storage and preservation of food grains, procured by the State by spending public funds of thousands of crores of rupees, lying out in open in different parts of the State, in view of approaching rains.

Mr. Naman Nagrath, learned Senior Counsel for the petitioner has invited our attention towards several news-paper reports published in leading news-papers to show that in recent rains, a substantial quantity of wheat got damaged after it was submerged with water. It is contended that according to the information with the petitioner one million tone wheat is lying in open in Jabalpur, Satna and Rewa regions alone. Similar procurement has been made on MSP (Minimum Support Price) by the respondents in all parts of the State. According to learned Senior Counsel, it can be said upon a conservative estimate that not less than 10 million tones of wheat/food grains are lying in open in similar manner in different parts of the State because of shortage of godowns with the State Government, Food Corporation of India and Madhya Pradesh Warehousing and Logistics Corporation. It is submitted that this is a perennial problem. Whenever rains falls after harvesting of Rabi Crops,

it causes damage to a substantial quantity of wheat/food grains. Therefore, respondents should take immediate steps in this regard.

Learned Senior Counsel placed reliance on the judgment of the Supreme Court in the case of *People's Union of Civil Liberties (PDS Matters) vs. Union of India & others* reported in (2013) 2 SCC 684 wherein the Supreme Court in Para-9 observed that millions of tonnes of foodgrains are lying in open for years because of inadequate storage capacity. Further reliance is placed on the order passed by the Division Bench of this Court in *WP-15363-2013 (Gulab Singh vs. State of Madhya Pradesh & others)* dated 19.06.2015, a writ petition earlier filed by the present petitioner himself, wherein relying on the aforesaid judgment of the Supreme Court in *People's Union of Civil Liberties (supra)* this Court directed the State authorities to ensure that food-grains are stored in proper manner to prevent them from exposure to natural calamities and getting destroyed due to negligence.

Issue notice to the respondents.

Mr. Jitendra Kumar Jain, Assistant Solicitor General accepts notice on behalf of respondents No.1 & 2/Union of India and FCI and prays for time to seek instructions.

Mr. Purushaindra Kumar Kaurav, Advocate General assisted by Mr. Swapnil Ganguly, Deputy Advocate General accepts notice on behalf of respondent No.3/State.

Mr. Praveen Dubey, Advocate accepts notice on behalf of respondent No.4/M.P. Warehousing and Logistic Corporation.

Learned counsel for the petitioner may provide one set of petition and annexures to each of the counsels for the respondents.

Matter to come up on **23.06.2021**.

In the meantime, it is directed that the respondent/State shall immediately conduct a survey in all districts of the State through

Collectors concerned and find out where the food-grains are lying in open and take immediate remedial measure, and make necessary arrangements, for their protection from rains, by use of tarpaulin/plastic sheets or by any other similar material or make any other arrangement as may be required, including by raising peripheral masonry walls and submit a report thereabout in the Registry of this Court before the next date of hearing.

**(MOHAMMAD RAFIQ)**  
**CHIEF JUSTICE**

**(VIJAY KUMAR SHUKLA)**  
**JUDGE**

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