

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No. 993 of 2015**

**Arising out of**

**Civil Writ Jurisdiction Case No. 9756 of 2014**

**Along with**

**Interlocutory Application No. 4143 of 2015**

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M/s Baba Biswakarma Raw Rice Mill through proprietor, Ajit Singh, Son of Late Ram Charitra Singh, resident of Bahangaon, P.O.- Tungidight, P.S.- Kanandighi, District- Uttar Dinajpur.

.... ....Petitioner/s / Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Araria.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Araria.
7. The Area Manager, Food Corporation of India, District office, District office, Araria.
8. The District Manager, Farbishganj.
9. The Area Manager, Food Corporation of India, District office, Farbishganj.

.... ....Respondent/s / Respondent/s

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**Appearance :**

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|---------------------|---|--------------------------------------|
| For the Appellant/s | : | Mr. Shashi Bhushan Kumar, Advocate   |
| For the B.S.F.C.    | : | Mr. Shailendra Kumar Singh, Advocate |
| For the State       | : | Mr. Vinay Kirti Singh, G.A. 2        |

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**and**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

**Date: 15-09-2016**

Re.: Interlocutory Application No. 4143 of 2015

The application is for condonation of delay of 25 days in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, the delay of 25 days in filing of the appeal is condoned.

Interlocutory Application stands disposed off.

Re.: Letters Patent Appeal No. 993 of 2015

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench of this Court on 23.07.2014 deciding the writ application in light of the order passed in C.W.J.C. No. 9133 of 2014 (M/s Shivam Mini Modern Rice Mill vs. The State of Bihar & Ors.) decided on 22.07.2014.

L.P.A. No. 1709 of 2014 against the said judgment stands decided vide judgment reported as 2015(4) PLJR 422 (Arvind Kumar vs. State of Bihar).

It is pointed out by learned counsel for the appellant that the order passed in Letters Patent Appeal has since been partly modified on 23<sup>rd</sup> August, 2016 in Civil Review No. 150 of 2015 (Rohit Rice Mill vs. The State of Bihar and Ors.).

After hearing learned counsel for the parties, we find that the matter in issue is covered by the Arvind Kumar's case

(supra).

The appeal is decided in terms of the said judgment and as modified by this Court in Civil Review No. 150 of 2015 (Rohit Rice Mill vs. The State of Bihar and Ors.) decided on 23<sup>rd</sup> August, 2016.

**(Hemant Gupta, J.)**

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

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