

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.265 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11746 of 2015
Along with
Interlocutory Application No.1014 of 2016**

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Jalapur Kala Primary Agriculture Credit Society through its Chairman namely Ajay Kumar Rai, aged about 39 years, S/o Sri Raghav Rai, R/o Vill- Jalalpur Kurd, PO- Bishunpura, PS- Sindhwalia, Dist- Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Cooperative Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The District Co-operative Officer, Gopalganj.
6. The Circle Officer, Kateya, District- Gopalganj.
7. The Ministry of Consumer Affairs, Food & Civil Supply, Govt. of India through the Secretary.

... Respondents/Respondents.

8. Ameya Primary Agricultural Cooperative Societies through its Chairman, Vikash Tiwary, son of Sri Rameshwar Tiwary, resident of Village- Ameya, Post- Mahuwa, PS- Kateya, District- Gopalganj.

.... Petitioner/ Respondent/s

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Appearance :

For the Appellant/s : Mr. Chakrapani, Advocate
Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Kinkar Kumar- SC27
Mr. Rakesh Kumar Sharma, Advocate

For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 19-12-2016

Re.: I. A. No.1014 of 2016

The Interlocutory Application has been filed by the
appellant to permit it to file the Appeal under Clause 10 of the Letters



Patent of the Patna High Court Rules against the order, dated 14.10.2015, passed by the learned single Bench in CWJC No.11746 of 2015 and analogous cases.

The learned single Judge has allowed the writ petitions, but on condition that benefit of such order shall be applicable to only those Primary Agriculture Credit Societies, who have invoked the writ jurisdiction of this Court before the cut off date. The Appellant has not invoked the writ jurisdiction of this Court before the cut off date. Therefore, the appellant seeks to challenge such clause by filing the present Letters Patent Appeal.

In view of said fact, we allow the Interlocutory Application and permit the appellant to file the Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.265 of 2016:

The Letters Patent Appeal is directed against an order passed by the learned single Judge of this Court on 14.10.2015, whereby the writ applications were allowed with specific direction that benefits will be extended to only those applicants, who had filed writ application before the cut off date.

Similar issues, as is raised in the present Letters Patent Appeal, were raised in Letters Patent Appeal No.10 of 2016 (Gausia



Primary Agriculture Credit Society Vs. The State of Bihar and Ors.),
which has been decided on 22nd of November, 2016.

For the reasons recorded in Gausia Primary Agriculture
Credit Society's case (supra), the present Letters Patent Appeal is
dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	20.12.2016
Transmission Date	

