

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.272 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11746 of 2015

Along with

Interlocutory Application No.1054 of 2016

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Uchhkagaon Primary Agriculture Credit Society through its Chairman namely Uday Narain Chaubey, aged about 50 years, S/o Late Sardanand Chaubey, R/o Vill- Khutwania, PS- Kuchaikot, 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 Circle Officer, Kateya, District- Gopalganj.
6. The Ministry of Consumer Affairs, Food & Civil Supply, Govt. of India through the Secretary.
7. Ameya Primary Agricultural Cooperative Societies Through its Chairman, Vikash Tiwary, son of Rameshwar Tiwary, resident of Village- Ameya, Post- Mahuwa, PS- Kateya, District- Gopalganj.

.... Respondent/s

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Appearance :

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

For the Respondents-State : Mr. Kinkar Kumar, S.C.-27
Mr. Rakesh Kr. Sharma, Advocate

For the 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.1054 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.272 of 2016

The claim of the appellant is covered by the judgment of



this Court in L.P.A. No. 13 of 2016 (Hardiya Primary Agriculture Credit Society Vs. The State of Bihar & Ors.), decided on 22nd of November, 2016, wherein the claim of the Primary Agriculture Credit Society for direction to accept the paddy remained unsuccessful.

For the reasons recorded in the order dated 22nd of November, 2016 passed in L.P.A. No. 13 of 2016, 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	21.12.2016
Transmission Date	

