

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.281 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11746 of 2015

Along with

Interlocutory Application No.1076 of 2016

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Baash Ghat Masauriya Primary Agriculture Credit Society through its
Chairman namely Sunil Kumar Yadav, S/o- Nakched Yadav, R/o Vill.-
Baash Ghat Masauriya, PO- Maharani, PS- Mahmadpur, 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 Cooperative 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 Rameshwar Tiwary, resident of village- Ameya, Post - Mahuwa, Police Station - Kateya, District - Gopalganj.

.... Petitioner/ Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh

For the Respondent/s : Mr. Kinkar Kumar- Sc27

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 20-12-2016

Re.: I. A. No.1076 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.

Re.: Letters Patent Appeal No.281 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)

Anil/-

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