

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.45 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11746 of 2015

Along with

Interlocutory Application No.77 of 2016

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Chakarwa Primary Agriculture Credit Society through its Chairman namely Nazammudin, S/o Abdul Hakim, R/o Village - Hariharpur, P.O. Rudalpur, P.S. - Bhore, District - 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.
8. Ameya Primary Agricultural Cooperative Societies through its Chairman, Vikash Tiwary, son of Sri Rameshwar Tiwary, Resident of Village- Ameya, Post - Mahuwa, P.S. - Kateya, District - Gopalganj.

.... Respondent/s

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With

Letters Patent Appeal No.46 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 11746 of 2015

Along with

Interlocutory Application No.78 of 2016

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Savreji Primary Agriculture Credit Society through its Chairman namely Jitendra Choudhary, S/o Late Dinanath Yadav, R/o Village - Savreji, P.O.- Mirganj, Block- Hathua, District - 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.
 8. Ameya Primary Agricultural Cooperative Societies through its Chairman, Vikash Tiwary, Son of Sri Rameshwar Tiwary, resident of Village- Ameya, Post - Mahuwa, P.S. - Kateya, District - Gopalganj.
- Respondent/s

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With
Letters Patent Appeal No.47 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11746 of 2015
Along with
Interlocutory Application No.82 of 2016

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Khalgaon Primary Agriculture Credit Society through its Chairman namely Amarjeet Kushwaha, son of Bishun Kushwaha, R/o Village - Khalgaon, P.O. - Dharhara Mela, P.S. - Kateya, District - 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.
 8. Ameya Primary Agricultural Cooperative Societies through its Chairman, Vikash Tiwary, Son of Sri Rameshwar Tiwary, resident of Village- Ameya, Post - Mahuwa, P.S. - Kateya, District - Gopalganj.
- Respondent/s

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With
Letters Patent Appeal No.48 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11746 of 2015
Along with
Interlocutory Application No.79 of 2016

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Bandhauli Banaura Primary Agriculture Credit Society through its Chairman, namely, Om Prakash Yadav, son of late Binda Rai, R/o Village - Banaura, P.O. - Usari Bazar, P.S. - Baikunthpur, District - 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.
8. Ameya Primary Agricultural Cooperative Societies through its Chairman, Vikash Tiwary, Son of Sri Rameshwar Tiwary, resident of Village- Ameya, Post - Mahuwa, P.S. - Kateya, District - Gopalganj.

.... Respondent/s

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Appearance :

(In LPA No.45 of 2016)

For the Appellant/s : Mr. Chakrapani, Advocate
Mr. Dipak Kumar, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 27

(In LPA No.46 of 2016)

For the Appellant/s : Mr. Chakrapani, Advocate
Mr. Dipak Kumar, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 27

(In LPA No.47 of 2016)

For the Appellant/s : Mr. Chakrapani, Advocate
Mr. Dipak Kumar, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 27

(In LPA No.48 of 2016)

For the Appellant/s : Mr. Chakrapani, Advocate
Mr. Dipak Kumar, Advocate
Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 27

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

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HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3/ 24-11-2016

Re.: I. A. No.77 of 2016 in LPA No.45 of 2016:

I. A. No.78 of 2016 in LPA No.46 of 2016:

I. A. No.82 of 2016 in LPA No.47 of 2016:

I. A. No.79 of 2016 in LPA No.48 of 2016

These Interlocutory Applications have been filed by



the appellants to permit them 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 Appellants have not invoked the writ jurisdiction of this Court before the cut off date. Therefore, they seek to challenge such clause by filing the present Letters Patent Appeals.

In view of said fact, we allow the Interlocutory Applications and permit the appellants to file the Letters Patent Appeals.

Interlocutory Applications stand allowed accordingly.

Re.: Letters Patent Appeal No.45 of 2016:
Letters Patent Appeal No.46 of 2016:
Letters Patent Appeal No.47 of 2016:
Letters Patent Appeal No.48 of 2016:

These Letters Patent Appeals are directed against an order passed by the learned single Judge of this Court on



14.10.2015, whereby the writ application was 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 Appeals, 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 Appeals are dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

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