

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9719 of 2016

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Hassan Imam, S/o Md. Hussain Pahalwan, R/o Mohalla-Khajekala, P.S. Khajekala (Patna City), District-Patna, Proprietor of M/s Hassan & Company in the premises of Krishi Utpadan Bazar Samiti, Musallahpur, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner, Department of Agriculture, Govt. of Bihar, Vikash Bhawan, Patna-1
2. The Bihar State Agricultural Marketing Board through its Administrator, Pant Bhawan, Bailey Road, Patna (Abolished)
3. The Administrator, the Bihar State Agricultural Marketing Board, Pant Bhawan, Bailey Road, Patna (Abolished)
4. Agricultural Produce Marketing Committee, Patna through its Special Officer (Abolished)
5. The Special Officer, Agricultural Produce Marketing Committee, Musallahpur, Patna (Abolished)
6. M/s Md. Ahmad Mumtaz Ahmad, S/o Md. Jainul Ahmad, Shop No. 58, Principal Market Yard, P.S. Sultanganj, District-Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Bindhayachal Singh
Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Indradeo Prasad, SC-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 19-11-2016 Heard Mr. Bindhayachal Singh for the petitioner, Mr. Indradeo Prasad, S.C.-27 for the State as well as for the Bihar State Agriculture Produce Marketing Board (dissolved) and Mr. Upendra Prasad for M/s Md. Ahmad Mumtaz Ahmad who submits that though he is a relevant party in the contest but not impleaded.

Learned counsel for the petitioner is permitted to add
M/s Md. Ahmad Mumtaz Ahmad as the respondent no. 6 to the

writ proceedings.

The limited grievance raised in this writ petition by the petitioner is that although an obligation was cast upon by the Bihar State Agricultural Marketing Board (dissolved) to take a final decision in respect of allotment of shop no. 58 situated within the marketing yard of the Agriculture Produce Market Committee, Mussalahpur in the town and district of Patna vide judgment and order passed in Civil Appeal No. 4214 of 2015 by the Supreme Court but the obligation has not been carried out.

It is considering the limited grievance raised that learned State counsel was directed to seek instruction and when he has returned with an affidavit filed under the signature of the Under Secretary, Bihar State Agriculture Marketing Board (dissolved), namely, Sushil Kumar who while enclosing a letter dated 04.11.2016 addressed to the claimants for the shop including the petitioner as well as the newly added respondent, has submitted that the hearing in the matter has already been initiated and was last held on 17.11.2016. It is submitted that since the hearing has already commenced, the same would be concluded without further delay.

In the circumstances so discussed and in view of the stand taken by the Under Secretary of the dissolved Marketing

Board as also taking notice of the fact that the Administrator, Bihar State Agriculture Marketing Board (dissolved) has since initiated hearing in the proceedings in compliance of the direction of the Supreme Court, he would be well advised to dispose of the matter in accordance with law, expeditiously and preferably within six weeks of the date of receipt /production of a copy of the order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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