

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.829 of 2017

Arising out of

C.W.J.C. No. 3185 of 2017

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Pramod Kumar, Prop; Shivani Rice Mill Industries, S/o Late Ramdayal Prasad, Resident of Mohalla-Naga Road, Ward No.-23, P.O.-Raxaul, P.S.-Raxaul, District-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
2. The District Collector, District- East Champaran.
3. The Sub- Divisional Officer, District- East Champaran.
4. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Patna, Bihar.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. , East Champaran.
6. The Certificate Officer, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Mishra, Advocate

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-12-2017

Seeking exception to an order dated 03.05.2017
passed by the learned Writ Court in C.W.J.C. No. 3185 of 2017
this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of recovery effected against the
appellant under the Bihar and Orissa Public Demand Recovery
Act the learned Writ Court found that the appellant has a
statutory remedy of appeal under Section 60 and granting



interim protection appellant has been relegated to take recourse to the remedy of filing an appeal.

In our considered view, in doing so, the learned Writ Court has not committed any error warranting reconsideration.

Even though learned counsel tried to indicate that for filing an appeal the appellant will have to deposit 40% of the amount and in certain other cases this Court had interfered into the matter but in the facts and circumstances of the present case when we find that the appellant has a statutory remedy and the learned Writ Court after granting interim protection has only relegated the appellant to take recourse to the said remedy, we are not inclined to interfere into the matter.

The Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.01.2018
Transmission Date	

