

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.352 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11746 of 2015
Along with
Interlocutory Application No.1489 of 2016**

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Karkatha Primary Agriculture Credit Society through its Chairman namely Shambhu Prasad Jaiswal, aged about 47 years, S/o Late Ram Ram Jaiswal, R/o Vill- Samogar, PO+PS- Kateya, 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 Sri 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, Advocate
For the Respondent/s : Mr. Kinkar Kumar- SC 27

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-02-2017

Re.: I. A. No.1489 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.352 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)

(Sudhir Singh, J)

S.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N. A
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