

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.680 of 2017

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Rita Tiwari, daughter of Dhanushdeo Singh, Resident of Village-Sabalpur, P.O. Dariyapur (845417) P.S. Sangrampur, District East Champaran, presently - Mukhiya Dakshini Madhubani, Prakhand Sangrampur, Anchal Sangrampur, District -East Champaran

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Sugarcane Industries, Govt. of Bihar, Patna
3. The Cane Commissioner, Department of Sugarcane Industries, Govt. of Bihar, Patna
4. The Collector cum District Magistrate East Champaran at Motihari
5. The Sugar Cane Officer (Ganna/Ikh Padadhikari) East Champaran at Motihari
6. The Circle Officer, (Anchal Adhikari) Sangrampur, Circle, (Anchal) East Chamapran

.... Respondents

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Appearance :

For the Petitioner : Mr. Anshuman Singh,
Mr. Ramakant Yadav, Advocates
For the Respondents : Mr. Shiv Kumar, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2017

The present writ petition has been filed for ensuring proper recommendation and allotment of *Path Kray Kendra* (Purchasing Centre) at Block Sangrampur, District East Champaran with reference to office order vide memo no. 2282 dated 18.11.2016 issued under the signature of Sugar Cane Commissioner respondent no. 3 herein and further for quashing the said office order with reference to Sangrampur Block, Revenue Thana No. 176, District East Champaran, since the same has been allotted to a non-existing place Pokhara Tola in Revenue Thana No. 176, Block Sangrampur, Anchal



Sangrampur, District East Champaran.

2. Learned counsel for the petitioner submits that by the impugned order dated 18.11.2016, the recommendation was made for the proposed *Path Kray Kendra* at Pokhara Tola falling under Revenue Thana No. 176, Block Sangrampur for cane crushing year 2016-17. It is submitted however that the said place does not exist at all and hence, the impugned order in this respect is erroneous and incapable of implementation. Learned counsel for the petitioner however submits that it would suffice if such error is rectified by correctly stating the name of the proposed *Path Kray Kendra* in respect of Revenue Thana No. 176, Block Sangrampur in future.

3. Learned counsel for the respondents submits that the petitioner has alternative remedy by way of appeal before the Principal Secretary, Department of Sugarcane Industries, Government of Bihar, Patna which has not been availed of. In any event, reliance is placed on the enquiry report dated 21.03.2017 (Annexure-B to the counter affidavit filed on behalf of the respondent nos. 4 and 6), according to which even though it is admitted that there is no place by the name of Pokhara Tola under Revenue Thana No. 176, there is a large pond situated in Ghusiar Tola where *Path Kray Kendra* was established for the preceding year. On enquiry it was found that the farmers of the area under Revenue Thana No. 176 clearly understood the designated place and there was no misconception about the same and hence no



prejudice has been caused to anyone by reason of place being inadvertently termed as “Pokhara Tola”.

4. Having regard to the nature of the prayer of the petitioner, the writ petition is disposed of with an observation that the error in the name of the place referred to as “Pokhara Tola” would be rectified in future.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.11.2017
Transmission Date	N.A.

