IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1058 of 2016

IN

Civil Writ Jurisdiction Case No. 3363 of 2013

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1. Bihar State Weighmen Labour Association, MArket Premise, Gulab Bag, Purnea, through its President Sri Bhola Nath Alok son of Late Satyadeo Singh resident of Mohalla- New Sipahi Tola, Ward No.-6, Purnea, P.S.- Khazanchi Hat, District-Purnea.

2. Md. Tajmul Hussain Son of Late Sheikh Jinat Ali, Weigh men Vice President, Bihar State Weigh men Labour Association, Market Premise, Gulab Bag, Purnea.

3. Manoj Ram Son of Late Ganauri Ram, Weigh men Vice President, Bihar State Weigh men Labour Association, Market Premise, Gulab Bag, Purnea.

4. Arjun Thakur son of LAte Uma Kant Thakur, Weigh men Vice President, Bihar State Weigh men Labour Association, Market Premise, Gulab Bag, Purnea.

.... Appellant/s

Versus

1. The State of Bihar through Secretary, Department of Agriculture, Government of Bihar, Patna.

2. The Commissioner, Agriculture Produce, Bihar, Patna.

3. The Administrator, Bihar State Agricultural Produce Marketing Board (Dissolved), Pant Bhawan, Bailey Road, Patna.

4. The Sub-Divisional Officer, Sadar Purnea-cum-The Special Officer, the Agricultural Produce Marketing Committee (Dissolved), Gulab Bag, Purnea.

5. Bishwanath Yadav Son of Late Gulab Narayan Yadav, Weigh men Vice President, Bihar State Weigh men Labour Association, Market Premise, Gulab Bag, Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. M.N. Parbat, Sr.Adv.
Mr. Sanjay Kumar Jha, Adv.

For the State : Mrs. Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-11-2017

I.A. No.3833 of 2016 has been filed for condonation of delay of eight days in filing the Letters Patent Appeal.

For the reasons indicated in the appeal, the delay of eight days in filing the appeal is condoned.

I.A. stands allowed.

Upon perusing the order dated 01.02.2016 which is under challenge in the present appeal and having heard learned senior counsel for the appellants, we do not find that the learned Single Judge has committed any error by dismissing the writ application primarily on the ground that the association's effort at moving the writ court seems to be more proxy litigation and so-called discrimination which has been conjured by them is basically an effort to shirk off the liability created by motivated kind of litigation by trying to show as if the labourers who are working as Weighmen are going to be hit directly by fixation of fair rent.

Such litigations are not required to be encouraged. No interference is warranted with the order of the learned Single Judge since no infirmity has been found.

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Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

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