

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1625 of 2016
IN
Civil Writ Jurisdiction Case No. 11996 of 2014**

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1. The State of Bihar.

2. The Principal Secretary, Department of Industries, Govt. of Bihar, Patna.

3. The Director, Directorate of Handloom & Sericulture, Govt. of Bihar, Patna.

4. The Senior Joint Director, Food Processing Directorate, Bihar, Patna.

.... Respondents- Appellant/s

Versus

1. Manju Devi, Wife of late Jay Pal Chaudhary, C/o Kishori Ram, resident of Powerganj, Bageshwari Road, P.S. Delha, District - Gaya (Bihar).

2. Surendra Kumar Chaudhary, Son of late Devi Prasad Chaudhary, resident of Kavirpur Road, Nath Nagar, Police Station Nath Nagar, District – Bhagalpur.

3. Arun Kumar, Son of late Karu Mahto, resident of village - Ittasang, District Nalanda at Biharsharif.

4. Narmadeshwar Sharma, Son of late Ram Sagar Sharma, resident of resident of village & P.O. Pijjor, P.S. Pijjor, District – Gaya.

5. Prabhu Kumar Mandal, Son of Laeta Hiraram Mandal, resident of village & P.O. Resna, Police Station - Pranpur, District – Katihar.

6. Ishwar Prasad, Son of late Jagdish Mahto, resident of village - Gonwa, P.O. Sewarhadi, Police Station - Manpur, District - Nalanda at Biharsharif.

7. Sanjeev Kumar Sinha, Son of late Ram Babu Sinha Prabhakar, resident of Abdullahchak, P.O. Barriah, Police Station Sampatchak, District - Patna

8. Rakesh Kumar, Son of late Sharda Nand Lal, resident of Nand Bhawan, Gandhi Path, Mithapur, Police Station - Gardanibagh, District – Patna.

9. Ved Prakash, Son of late Sita Sharan Pandey, resident of Gardanibagh, Thakurbdi Road No. 12, P.O. Anisabad, Police Station - Gardanibagh, District – Patna.

10. Jai Prakash Prasad, Son of late Hira Lal Prasad, resident of village & P.O. Islampur, District – Nalanda.

11. Upendra Prasad Singh, S/o - Late Ram Lakhan Singh, resident of village - Hasanpur, P.O. Kolawan, Police Station - Harnaut, District - Nalanda at Biharsharif.

.... Petitioners-Respondent/s



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Appearance :

For the Appellant/s : Mr. J. P. Kishore, AC to SC 13

For the Respondent/s : Mr. Rajesh Dayal, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-08-2017

Re.: Interlocutory Application No.6557 of 2016

The delay in filing of this Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No.1625 of 2016

This is an appeal by the State Government under Clause 10 of the Letters Patent challenging the order restraining recovery of the amount after cancellation of ACP granted.

As the order passed by the learned Writ Court is based on the judgment rendered by the Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Rafiq Masih (White Washer)** reported in **2015 (1) PLJR 261 (SC)** and the learned Writ Court has only restrained recovery of the amount after ACP granted to the petitioner was withdrawn, in doing so, the learned Writ Court has not committed any error warranting reconsideration. The appeal stands



dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
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