

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1517 of 2017

Arising out of

Civil Writ Jurisdiction Case No.7908 of 2014

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Champaran Rice Mill through its Proprietor Anish Raj, son of son Banke Lal Prasad Yadav, resident of Bhawanipur Yogapatti, P.O. Bhawanipur, P.S.-Jogapatti, District-West Champaran (Bettiah).

... .. Petitioner- Appellant/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. The Bihar State Food & Civil Supplies Corporation Limited, Patna.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, West Champaran (Bettiah).
5. The District Magistrate, West Champaran (Bettiah).
6. The Certificate Officer-cum-Senior Deputy Collector, West Champaran (Bettiah).

... .. Respondents-Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar, Advocate Ms. Arti Kumari, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Md. Kamil Akhtar, AC to AAG -5
For the BSFC	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-11-2017 I.A. No. 7798 of 2017 has been filed seeking condonation of delay of more than 3 years 72 days.

Even though there is delay as indicated hereinabove, but it is pointed out that after the orders were passed by the writ court on 22.7.2014 in various cases identical LPAs and petitions were allowed and even as recently as on 23rd August, 2016 petitions were allowed and therefore, this appeal claiming similar benefit.



Keeping in view the aforesaid, for the reasons mentioned in the interlocutory application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

Consequently, I.A. No. 7798 of 2017 is allowed and delay in filing the Letters Patent Appeal is condoned.

Re: Letters Patent Appeal No. 1517 of 2017:

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench of this Court on 22.7.2014 deciding the writ application in the light of the order passed in CWJC No. 7736 of 2014 (M/s. Shiv Industries Vs. The State of Bihar & Ors.) decided on 22.7.2014. LPA No. 1709 of 2014 against the said judgment stands decided vide judgment reported as 2015 (4) PLJR 422 (Arvind Kumar Vs. State of Bihar).

It is pointed out by learned counsel for the appellant that the order passed in Letters Patent Appeal has since been partly modified on 23rd August, 2016 in Civil Review No. 150 of 2015 (Rohit Rice Mill Vs. The State of Bihar & Ors.).

After hearing learned counsel for the parties, we



find that the matter in issue is covered by the Arvind Kumar's case (supra).

The appeal is decided in terms of the said judgment and as modified by this Court in Civil Review No. 150 of 2015 (Rohit Rice Mill Vs. The State of Bihar & Ors.) decided on 23rd August, 2016.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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