

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.316 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 11746 of 2015**

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Barishar Primary Agriculture Credit Society through its Chairman namely Bhola Choudhary, S/o Late Bir Bahadur Chaudhary, R/o vill. - Baridevaria P.O. Repura, Block Hathua, District - Gopalganj

.... .... Appellant

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 Co - Operative 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, P.S. Kateya, District - Gopalganj

.... .... Respondent/Petitioner

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**Appearance:**

For the Appellant/s : Mr. Ashutosh Kumar, Advocate.  
Mr. Dipak Kumar, Advocate.  
Mr. Madhuresh Singh, Advocate.  
Mr. Sanjay Kumar Singh, Advocate.  
For BSFC : Mr. Shailendra Kumar Singh, Advocate.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date: 09-01-2017**

**Re.: I. A. No.1209 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.

**Re.: Letters Patent Appeal No. 316 of 2016**

The Letters Patent Appeal is directed against an order passed by the learned single Judge of this Court on 14.10.2015, whereby the writ applications were allowed with specific direction that benefits will be extended to only those applicants, who had filed writ application before the cut off date.

Similar issues, as is raised in the present Letters Patent Appeal, were raised in Letters Patent Appeal No.10 of 2016 (Gausia Primary Agriculture Credit Society Vs. The State of Bihar and Ors.),



which has been decided on 22<sup>nd</sup> of November, 2016.

For the reasons recorded in Gausia Primary Agriculture Credit Society's case (supra), the present Letters Patent Appeal is dismissed.

**(Hemant Gupta, ACJ)**

**(Dinesh Kumar Singh, J)**

Mishra

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| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 10.01.2017 |
| Transmission Date |            |

