

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11262 of 2017

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Sabalu Kumar, Son of Sri Sadhu Saran Sah, Resident of Gandhi Nagar, P.S.-
Bagaha- 1, District- West Champaran, Proprietor of M/S New Modern Rice Mill &
Training, Bagaha- 1, West Champaran, Bettiah.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, food and Civil Supply, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Certificate Officer, West Champaran, Bettiah.
5. The Deputy Superintendent of Police, West Champaran, Bettiah.
6. The District Manager, Bihar State Food and Civil Supply Corporation, West
Champaran, Bettiah.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad-A.A.G.-5
Mr. Md. Kamil Akhtar, A.C. to A.A.G.-5
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-08-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar State Food
and Civil Supplies Corporation (B.S.F.C.).

Learned counsel for the B.S.F.C. submits that already a
detailed order has been passed under Section 10 of the P.D.R. Act on
30.03.2016, which has not been challenged before this Court, merely
the petitioner has challenged the order of Body Warrant dated
15.07.2017.



When the authority has passed the detailed order under the P.D.R. Act, the petitioner instead of coming to this Court should have exhausted the alternative remedy. Accordingly, this writ application is disposed of with the direction that the petitioner, if so advised, may file appeal in terms of Section 60 of the P.D.R. Act as well as stay petition within four weeks from today. Till the disposal of the stay petition, no coercive action will be taken against the petitioner, but, in the event of failure to file appeal along with stay petition within the aforesaid period, in such circumstance, it will be treated that no interim order has been passed.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	25.08.2017
Transmission Date	N/A.

