

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

**Letters Patent Appeal No.1282 of 2017**

**IN**

**Civil Writ Jurisdiction Case No. 11262 of 2017**

=====

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 &  
Traning, Bagaha-1, West Champaran, Bettiah.

.... .... Appellant/s

Versus

1. The State of Bihar Through Principal Secretary, Food and Civil Supply, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintending 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.

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Shashi Bhushan Kumar  
For the State : Mr. S.RAZA AHMAD - AAG5  
Mr. Bishwambhar Prasad, AC to AAG 5  
For BSFC : Mr. Shailendra Kumar Singh

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

**Date: 13-09-2017**

Seeking exception to an order dated 21.08.2017 passed by  
the learned Writ Court in CWJC No. 11262 of 2017 this appeal has  
been filed under Clause 10 of the Letters Patent.

Even though inviting our attention to various orders  
passed by this Court in LPA No. 1206 of 2017 on 06.09.2017 and  
various other dates, a prayer is made for remitting the matter back to  
the Writ Court, we find that the facts and nature of the present case



are entirely different than that of the case referred to.

In this case, the learned Writ Court has only relegated the petitioner to recourse to the remedy available statutory in nature for filing an appeal under Section 60 of the PDR Act before the competent statutory authority and certain interim protections have also been granted to the petitioner. We are informed that the appellant has also recourse to the statutory remedy available.

That being so, we see no reason to make any indulgence on the grounds canvassed by the appellant and that are available can be raised before the statutory appellate authority and we are confident that the appellate authority shall consider all the questions in accordance with law.

With the aforesaid, the appeal stands disposed of.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

mrl.

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 15.09.2017 |
| Transmission Date | N.A.       |

