

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.4895 of 2009

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Dukhan Mahto, S/o Late Gudri Mahto, resident of Village- Padamkher, P.S.-Patahi,  
District- East Champaran, at present posted as A.G.-III (Depot), Divisional District  
Magistrate, Food Corporation of India, District Office-Saharsa.

.... .... Petitioner

Versus

1. The Food Corporation of India, through the Regional Manager, Regional Office, Food Corporation of India, Patna.
2. The Regional Manager, Regional Office, Food Corporation of India, Patna.
3. The Senior Regional Manager, Food Corporation of India, Regional Office, Patna.
4. The District Manager, Food Corporation of India, District Office, Chapra.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sharad Kumar Sinha, Advocate  
Mr. Amit Kumar Anand, Advocate

For the Respondents : Mr. Prabhakar Tekriwal, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 25-01-2018**

Heard the parties.

The petitioner is challenging the letter no.154 dated 19.05.2004 and letter no.172 dated 25.05.2004, both have been issued under the signature of District Manager, Food Corporation of India, District Office at Chapra, whereby and where-under the order has been passed for recovery of Rs.3,91,882.65/- and Rs.6,93,734.00/- on account of shortage of rice and wheat stock.



Learned counsel for the Food Corporation of India submits that there is a forum of appeal, which the petitioner has not availed, which is statutory in nature.

In such view of the matter, let the petitioner exhaust the remedy of appeal as available under the statutory provision. As this case is pending before this Court since long, the petitioner could not file the appeal within the limitation period as mentioned in the statutory provision. Hence, if the petitioner files an appeal within a period of four weeks from today, the appellate authority will condone the delay and decide the case on merit.

Accordingly, this writ petition is disposed of.

**(Shivaji Pandey, J)**

pawan/-

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