

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15428 of 2013

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Jadamba Mini Rice Mill, At-P.O. Sahuka, P.S.-Ramgarh, District-Kaimur (Bhabhua) through its proprietor Abhishekh Singh, S/O Late Rameshwar Singh, At-P.O.- Sahuka, P.S.- Ramgarh, District- Kaimur Bhabhua

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Food and Civil Supply Corporation Ltd. Bihar, Patna.
2. The Bihar State Food and Civil Supply Corporation Ltd., Patna
3. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Patna
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Kaimur (Bhabhua)
5. The District Magistrate, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar Thakur, Adv.
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Learned counsel for the petitioner submits that since the similar issues are pending consideration before the Hon'ble Supreme Court, he may be given liberty to file a fresh writ application, if occasion so arises in future.

Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. is present. Learned counsel submits that the District Manager, SFC, Kaimur has already submitted a requisition before the District Certificate Officer, Kaimur for recovery of the defalcated amount from the petitioner in which the petitioner has filed his objection under Section 9 of the Public Demand Recovery Act. It is submitted that earlier M/S Sone Vally Rice Mill had challenged the certificate



proceeding in CWJC No.13746 of 2013 in which the certificate case was set aside, but thereafter the Hon'ble Division Bench of this Court allowed the appeal being LPA No.1576 of 2015, therefore presently the certificate proceeding is pending. The order passed in LPA No. 1576 of 2015 is under challenge in Special Leave Petition before Hon'ble Supreme Court.

This Court finds that in this writ application, a prayer has been made to direct the respondents to lift the rice in terms of the agreement, however, in the facts and circumstances of the case, the relief prayed in the writ application cannot be allowed as the certificate proceeding is already going on. The petitioner has not challenged the certificate proceeding in the present writ application.

Since the learned counsel for the petitioner submits that he may be given liberty to file a fresh writ application, if occasion so arises, by virtue of the judgment of the Hon'ble Supreme Court in the pending identical matters.

This writ application is, thus, being disposed off with liberty as prayed for. In case any fresh cause of action arises to the petitioner, he will be at liberty to seek his remedy in accordance with law.

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(Rajeev Ranjan Prasad, J)

