

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2414 of 2015

Arising out of

Civil Writ Jurisdiction Case No.8818 of 2011

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Shri Shyam Narayan Mallik son of late Baldeo Mallik Permanent resident of Village- Naharnia, Post office Harlokhi, Via- Basopatti, District Madhubani, presently resident of Mohalla-New Chakdah Post office Police station District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Shri Pankaj Kumar, the Principal Secretary/Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. Shri Manoj Kumar Singh, the Collector, Jehanabad.
4. Shri Md. Salauddin, the President, District Consumer Protection Forum, Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Lal Das with Mr. Achintya Anand, Advocates
For the State	:	Mr. Dhurjati Kr. Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-03-2019

Heard learned counsel for the petitioner and the State.

2. Learned counsel for the State has filed show cause on behalf of the opposite party no. 2. Earlier also, on 27.02.2019, the opposite party no. 2 was present and filed his show cause. In the said order, it was recorded that the Court proposed to proceed and pass orders in Court but due to paucity of time, the matter had been listed for today.

3. In the show cause filed today, orders dated 06.03.2019/07.03.2019 in M.J.C. No. 781 of 2019 in L.P.A No.



1871 of 2017 have been brought on record by which the review application filed by the State and others has been fixed for hearing on 15th May, 2019 and the Division Bench has also been pleased to direct that further proceedings in the present case shall remain stayed.

4. From the show cause filed on 27.02.2019, it transpires that the order of the Court dated 15.12.2014 in C.W.J.C. No. 8818 of 2011 has been complied with. In support of the same, learned counsel for the State has referred to Annexure-A of the show cause filed on behalf of the opposite party no. 2 on 27.02.2019 in which copy of Memo No. 985 dated 26.02.2019 has been brought on record by which the benefit, as contemplated by the order of the Writ Court, has been given to the petitioner and communicated to the concerned authorities for implementation.

5. Learned counsel for the petitioner submitted that the same is subject to the result of the review in Letters Patent Appeal.

6. The Court would only observe that every litigant has a right to avail the remedy available to him and, thus, the State equally having the same, has moved for review of dismissal of the Letters Patent Appeal filed by it.

7. Having regard to the aforesaid and also the fact that the Division Bench in its order dated 06.03.2019 in M.J.C. No.



781 of 2019 has observed that further proceedings in the present case shall remain stayed in view of the compliance order passed by the authorities, in the considered opinion of this Court, nothing further remains in the present application. Once, the order has been complied with, even though belatedly, and contempt purged, as also the law being settled that the matter is between the Court and the contemner, taking an overall view in the matter and accepting the apology tendered, the issue stands consigned.

8. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

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