

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

Miscellaneous Jurisdiction Case No.4164 of 2018

In

Civil Writ Jurisdiction Case No.15001 of 2015

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Sunil Kumar, S/o Subedar Singh, R/o Beni Bigha, P.S.- Bikram District-
Patna Chairman Beni Bigha PACS.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Circle Officer-cum-Enforcement Officer, Block, Bikram District- Patna.
4. The Bihar State Food and Civil Supplies Corporation Ltd. through its District Manager, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Patna.
6. The Branch Manager, Patliputra Central Co-operative Bank, Bikram, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Advocate
For the Opposite Party/s	:	Mr. Alok Ranjan, A.C. to A.A.G.-5
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-09-2020 Heard learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned counsel representing the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the 'Corporation') and Mr. Alok Ranjan, learned A.C. to A.A.G.-5.

This application has been filed seeking modification of the order dated 04.01.2016 passed by learned writ court in C.W.J.C. No. 15001 of 2015 by which while disposing of the writ application the learned writ court made the following observations:-

“I have heard learned counsel for the parties
and I have perused the records and I am in



agreement with the submission of Mr. Singh. It is not in dispute that the supplies at the Vikram centre was marred with controversy and led to institution of criminal case referred to above. In such circumstances where the issue of supply itself is being doubted and has translated into a police case this Court exercising writ jurisdiction would not enter into the controversy until it reaches a logical conclusion.

In the circumstances the two writ petitions are disposed of affording liberty to the petitioners to raise their grievances upon culmination of the proceedings so initiated against them, in case it draws in their favour.

This order, however, would not preclude the petitioners to take recourse to such other remedies that may be available to them in law.”

Learned counsel for the petitioner submits that in fact the basic premise of the order passed by the learned writ court is that the controversy in question is likely to reach a logical conclusion within a reasonable period but the fact is that till date no charge-sheet has been filed in the criminal case and the respondents are taking aid of this order to indefinitely sit over the right of the petitioner and the farmers of his PACS.

It is for this reason, learned counsel for the petitioner submits that the last paragraph of the order be modified to the extent that the petitioner may be paid its lawful dues subject to outcome of the criminal case.

Mr. Shailendra Kumar Singh, learned counsel representing the Corporation has rightly submitted before this Court that in the nature of the prayer being made before this Court, it is not a case of



modification of the order rather in the garb of the modification the petitioner is looking for a review of the order dated 04.01.2016 on the ground of subsequent developments inasmuch as it is the contention of learned counsel for the petitioner that the Police has not yet submitted the charge-sheet and, therefore, the criminal case is not concluded.

This Court agrees with the submission of Mr. Singh, learned counsel for the Corporation that in the nature of the submissions made, the modification application cannot be entertained. This Court, is, however, well aware of the legal proposition that where there is a wrong, there is a remedy and would observe that in case the petitioner has got any grievance and a fresh cause of action to raise his grievance, it is open for him to seek his remedy in an appropriate proceeding in accordance with law.

This modification application is, thus, disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

