

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.364 of 2005

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Swastik Industries, P.O. Ganpatganj, District-Supaul, Bihar through its proprietor Sandeep Kumar Madhogarhia, son of Sri Satya Narain Madhogarhia, resident of Ganpatganj, District-Supaul, Bihar

... .. Appellant/s

Versus

1. The Bihar State Agriculture Produce Marketing Board, Bihar, Patna through its Managing Director.
2. The Secretary, Agriculture Produce Market Committee, Birpur, District-Supaul.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Subodh Kumar Jha, Advocate
For the Respondent/s : Mr. K.P.Yadav, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-12-2020

The instant Letters Patent Appeal has been preferred against the judgment dated 03.11.2003 passed by a learned Single Judge of this Court in CWJC No. 10136 of 2000 titled as M/s Evergreen Plywood Industries Pvt. Ltd and Ors. Vs. The State of Bihar And Ors. titled as Swastik Industries vs. the Bihar State Agriculture Produce Marketing Board and Anr.

On 13th of November, 2020, we had passed the following order:

“Matter pertains to the year 2004. As such, by way of a special drive to take up old matters, the same stands listed.



On 10th of March, 2004 the following order was passed:

“It is stated that the point involved in this appeal is also involved in SLP No. 1909/2004 in which Special Leave has been granted on 8.3.2004.

Put up this appeal in the first week of August, 2004.

In the meantime no coercive steps should be taken against the appellants.”

As per the case status indicated on the website of the Hon’ble Supreme Court of India, the said Special Leave to Appeal (Civil) No. 1909/2004) titled as Krishi Utpadan Bazar Samiti Vs. Prakash Singh & Ors. stands dismissed.

A prayer for adjournment has been made on the ground of illness of Shri Ramesh Kumar Agrawal, learned counsel for the appellant.

Prayer allowed.

List on 7th of December, 2020.”

Today, Mr. Subodh Kumar Jha, learned counsel for the appellant does not dispute the status with regard to the dismissal of the Civil Appeal, referred to supra, by Hon’ble the Apex Court. He further states that in any event, on account of intervening developments i.e. subsequent enactments, the present appeal has outlived its purpose and the same can be disposed of, reserving liberty to the writ-petitioners/appellants to take recourse to such remedies as are otherwise available in accordance with law, under the amending statute.

The State has no objection to the same.

As such, as prayed for by Shri Subodh Kumar Jha,



learned counsel for the appellant, the appeal stands disposed of with liberty in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Prabhat Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2020
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