

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6055 of 2017

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Kamal Kishore Rai, son of Sri Kanhaiya Rai, Resident of Village and P.O.-
Dumraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Civil Supply, Government of Bihar,
Patna.
3. The Managing Director, Bihar State Food and Civil Supply Corporation
Limited, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal-SC 4
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-11-2020

Petitioner has prayed for the following relief(s):

“(i) For quashing notice-cum-letter bearing memo no. 498 dated 21.03.2017 (Annexure-6) issued by the respondent no.4, whereby and whereunder the Petitioner has been directed to deposit bank guarantee equivalent to the amount mentioned in the F.I.R. by 28.03.2017 in the office of respondent no.4.

(ii). Any other appropriate writ/order or direction which Your Lordships may deem fit and proper.”



Learned counsel for the petitioner invites our attention to the intervening developments which have taken place, post filing of the instant petition.

According to learned counsel, Hon'ble Apex Court, with respect to the very same subject matter, in relation to similarly situated persons, has already expressed its views in the decision reported in (2018) 8 SCC 475 titled as Arvind Tiwary Vs. State of Bihar and another as also M.A. No. 1140 of 2019 arising out of Cr. Appeal No. 998 of 2018 titled as Arvind Tiwary Vs. State of Bihar and another.

On the other hand, Shri Shailendra Kumar Singh, learned counsel appearing for the respondents, clarifies that there are other orders passed by Hon'ble the Apex Court.

In view of the intervening developments, learned counsel for the petitioner states that the petition can be disposed of reserving liberty to the writ-petitioner to invite attention of the authorities of the passing of the orders by the Hon'ble Apex Court, referred to supra and its applicability to the petitioner's case.

The request of the petitioner, in pursuing alternative remedies before an appropriate forum is not opposed by the respondents, and rightly so.



As such, as prayed for, the present petition is disposed
of as not pursued any further.

We have not expressed any opinion on merits, leaving
it open for the parties to agitate the issue if so required and
desired.

(Sanjay Karol, CJ)

(S. Kumar, J)

DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

