

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9252 of 2017

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Rajni Kant Tiwari, Proprietor, Shyam Jee Mini Rice Mill, Son of Sri Lallan Tiwary, resident of Village- Baghini Kala, P.S.- Mohania, District- Kaimur, Bhabhua.

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, District Kaimur (Bhabua)
2. The Bihar State Food and Civil Supplies Corporation Limited through its Managing Director, Bihar, Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, District- Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad- AAG 5
		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 the notice- Cum-Letter No. 531 dated 18-03-17 issued by District Manager of State Food Corporation, Kaimur (Bhabua) (Annexure- 2) by which it has been directed to furnished Bank Guarantee in favour of Bihar State Food and Civil Supplies Corporation, District- Kaimur otherwise the legal action will be taken for cancellation of Bail.



(ii) Also for directing the respondents especially the State Food Corporation, Kaimur to not proceed on notice Cum letter no. 531 dated 18-3-17 issued against the petitioner.

(iii) For any other relief(s) as per the facts and circumstances of the case.”

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	

