

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8603 of 2017

=====

Hari Shanker Tiwary S/o Late Chintamani Tiwary @ Mani Tiwary resident of
Village - Shahuka, P.S. Ramgarh, District – Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Department, Govt. of Bihar,
Patna.
3. The District Collector, Kaimur (Bhabua).
4. The Managing Director, Bihar State Food and Civil Supply Corporation,
Patna.
5. The District Manager, Bihar State Food and Civil Supply Corporation,
Kaimur (Bhabua).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, Advocate
For the Respondent/s	:	Mr.Sanjay Kr. Giri- GP 9
		Mr. Shailendra Kumar Singh, Advocate

=====

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) To quash the notice vide letter no. 531 dated 18.03.2017 issued by the District Manager, Kaimur (Bhabua) for furnishing of bank guarantee of Rs.21497566.17 (Annexure-5) equal to the amount of rice by misinterpreting the Hon’ble Apex Court order and direction contain in special Leave application no 1779 (crl) of 2016 dated 28.02.2016.

(ii) To hold and declare that the letter issued by the respondent Corporation is



bad and illegal in view of the fact that the petitioner is not liable to furnish bank guarantee as per the direction given by the Hon'ble Supreme Court in S.L.P. (Crl) No. 1779 of 2016 in the case of State of Bihar and others Vs. Devesh Kumar Choudhary, as the terms of agreement in 2011-12 and 2012-13 is entirely different and the Hon'ble Court has given direction by relying the agreement of 2012-13.

(iii) To issue any other writ/writs, order/orders, direction/directions as your lordships deem fit and proper in the facts and circumstances of 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	

