IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.103 of 2017
In
Civil Writ Jurisdiction Case No.11368 of 2013

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1. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna, Bihar
2. The District Manager Bihar State Food and Civil Supplies Corporation, Kaimur, Bhabua.

... ... Appellant/s

Versus

1. Sunil Sah, son of Shri Thakur Sah, Resident of Village - Badhani Kala, Police Station - Mohaniya, District – Kaimur, Bhabhua.
2. The State of Bihar.
3. The Principal Secretary, Food, Supply and Commerce Department, Government of Bihar, Patna.
4. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna, Bihar
5. The District Magistrate-cum-Collector, Kaimur, Bhabua.
6. The District Supply Officer, Bihar State Food and Civil Supply Corporation, Kaimur, Bhabua.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Anjani Kumar, Senior Advocate
Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.

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

Date : 15-12-2020

Shri Shailendra Kumar Singh, learned counsel for the appellants, states that several writ petitions were disposed of by the learned Single Judge passing the very same and/or similar order, subject matter of the present Letters Patent Appeal. He

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points out that the instant impugned order is dated 23.07.2014 passed in CWJC No.11368 of 2013, titled as Sunil Sah Vs. The State of Bihar & Ors., which stands disposed of in terms of judgment dated 22.07.2014 passed in CWJC No. 13746 of 2013, titled as Sone Valley Rice Mill Vs. The State of Bihar & Ors. covering identical issue and similar facts.

Further, he invites our attention to the order dated 20.05.2016 passed in LPA No. 1576 of 2014, titled as The Bihar State Food and Civil Supplies Corporation & Anr. vs. Sone Valley Rice Mill & Ors. by a coordinate Bench (DB) of this Court, whereby the order passed in Sone Valley Rice Mill (supra) stands reversed. But however, Special Leave Petition assailing the order, similar in nature is pending before Hon'ble the Apex Court and one such case being S.L.P. No(s). 16909-16912/2016, titled as Pawapuri Rice Mills Vs. Bihar State Food and Civil Supplies Corporation Ltd. & Ors.

Learned counsel further states that several Letters Patent Appeal decided by this Court in connection with the very same issue, subject matter of the present appeal, which were decided, are also pending before Hon'ble the Apex Court. It is further prayed that the present appeal can be disposed of with the direction that the parties to the present *lis*, i.e. the present

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appellants and the writ petitioner, shall be bound by the decision rendered by Hon'ble the Apex Court in the said appeals.

Sri Anjani Kumar, learned Senior Advocate assisted by Sri Shailendra Kumar Singh, learned counsel for the appellants, further states that the present appeal be disposed of in terms of the judgment dated 27.11.2020 passed in Letters Patent Appeal No.2272 of 2016 titled as The Bihar State Food and Civil Supplies Corporation Ltd. & Anr. Vs. Om Prakash Rajgariya & Ors. as modified by order dated 02.12.2020.

No other point is raised by learned counsel for the appellants.

We find no impediment in accepting the submissions made by the learned counsel and as such dispose of the present appeal, clarifying that the parties to the present *lis* shall be bound by the decision rendered by Hon'ble the Apex Court in the appeals arising out of the same very subject matter, and more specifically Pawapuri Rice Mills (supra) and other connected matters.

Also liberty is reserved to the parties to seek clarification if any, from this Court or reviving the present appeal, if the need so arises subsequently.

The appeal stands disposed of in the above terms.

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Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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