

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8575 of 2017

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Vinod Kumar Singh, S/o Sachidanand Singh, Resident of Village-Dewhaliya,
P.S.-Ramgarh. District-Kaimur.

... .. 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 Magistrate, Bihar State Food and Civil Supply Corporation,
Kaimur, Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, 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) 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.2901850.00 (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 28.02.2017.



(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 2012-13 as petitioner has mortgaged the property in light of agreement.

(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	

