

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6840 of 2020

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M/s U.K. Industries, a proprietorship firm having its place of business at Ram Nagar, Bahadurpur, Darbhanga through its proprietor namely Monika Rani female aged about 45 years wife of Shri Umesh Kumar Resident of Ram Nagar, P.O. and P.S. Bahadurpur, District- Darbhanga.

... .. Petitioner

Versus

1. The Bihar State Food Corporation Ltd. having its registered office at Daroga Rai Path, Patna through its Managing Director.
2. The Managing Director, Bihar State Food Corporation Ltd., At Patna.
3. The District Magistrate, Darbhanga.
4. The District Manager, Bihar State Food Corporation Ltd., Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Gautam Kumar Kejriwal Mr. Atal Bihari Pandey Mr. Alok Kumar Jha, Advocates
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4
For the BSFC	:	Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 05-10-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition-



“ (I) For issuance of a writ in the nature of certiorari for quashing of item number 06 as contained in the notice dated 29.02.2020 published in the newspaper namely Dainik Jagran whereby the petitioner’s immovable assets has been put on auction sale fixed for 31.03.2020 by the respondent District Magistrate, Darbhanga.

(II) For issuance of a writ or order or direction upon the respondent corporation and its authorities to settle the inter se account between the petitioner and the Corporation in light of the arbitration award dated 11.09.2019 before taking any such action which is otherwise also illegal and without jurisdiction;

(III) For issuance of a writ or order or direction restraining the respondent District Magistrate, Darbhanga from effecting any auction sale of the immovable assets of the petitioner in terms of the impugned auction sale notice published in the newspaper on 29.02.2020;

(IV) For holding and a declaration that the auction sale notice is illegal, arbitrary and violative of the principles of natural justice as no notice prior to the said auction dated 29.02.2020 has been served upon the petitioner;

(V) For further holding and a declaration that the impugned auction sale notice insofar as item number 6 pertaining to the petitioner’s immovable assets is concerned is directly in teeth of the arbitration award dated 11.09.2019 passed by learned Arbitrator in Arbitration Case Number 03 of 2019;

(VI) For further holding and a declaration that there being no liability of the petitioner leftover as against the respondent Bihar State Food Corporation Ltd (hereinafter referred to as the Corporation for short) the impugned auction sale notice pertaining to the sale of immovable



*assets of the petitioner is out and out misconceived, illegal, arbitrary and absolutely without any authority in law;
(VII) For any other relief (s) to which the petitioner is found entitled in the facts and circumstances of this case.”*

3. After some arguments, learned counsel for the petitioner fairly accepts that the writ petition has become infructuous and need not be pressed any further.

4. The writ petition stands dismissed as infructuous.

5. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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