

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9675 of 2020

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Rameshwar Bharti @ Rameshwar Bharati Son of Ram Naumi Singh,
Resident of Village - Devradh Kala, P.S. Kudra, District - Kaimur, Bhabua.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department, through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna - 800001.
4. Managing Director, The Bihar State Food and Civil Supplies Corporation officer at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna - 800001.
5. District Magistrate-cum-Collector, Kaimur, District - Kaimur.
6. District Manager, Bihar State Food and Civil Supplies Corporation, District - Kaimur.
7. The District Certificate Officer, Kaimur, District - Kaimur.
8. The Officer In-Charge, Kudra, P.S.- Kudra, District - Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 9823 of 2020

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Shivji Sah @ Sheoji Sah Son of Late Mathura Sah Proprietor of M/S Maa Durga Mini Rice Mill, Resident of Village-Lalapur, P.S.-Kudra, District-Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001
4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya BHawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
5. District Magistrate-Cum-Collector, Kaimur, District-Kaimur.
6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur
7. The District Certificate Officer, Kaimur, District-Kaimur.



8. The Officer In-Charge, Kudra, P.S.-Kudra, District-Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 9838 of 2020

Rajesh Kumar Singh Ram Surat Singh Resident of Village- Akhalaspur, P.S.-
Bhabhua, District- Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna- 800001.
4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
5. District Magistrate-cum-Collector, Kaimur, District- Kaimur.
6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
7. The District Certificate Officer, Kaimur, District- Kaimur.
8. The Officer In-Charge, Bhabhua, P.S.- Bhabhua, District- Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 9877 of 2020

Vivek Kumar Singh Son of Ravindra Singh Proprietor of M/s Shree Durga Rice Mill, Lalapur, Kudra, Resident of Village- Kudra, P.S.- Kudra, District-Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna- 800001.
4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
5. District Magistrate-cum-Collector, Kaimur, District- Kaimur.



6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
7. The District Certificate Officer, Kaimur, District- Kaimur.
8. The Officer In-Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 9894 of 2020

Vinod Kumar Singh Son of Babban Singh Proprietor of M/S Amrit Mini Rice Mill, Resident of Village-Sariyaon, P.S.-Kudra, District Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Officer at Khadya Bhawan, Daroga Prasad Path,R-Block, Road No.2, Patna-800001
4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.
5. District Magistrate-Cum-Collector, Kaimur, District-Kaimur
6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
7. The Distirct Certificate Officer, Kaimur, District-Kaimur.
8. The Officer-In-charge, Kudra, P.S.-Kudra, District-Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 537 of 2021

Sanjay Kumar Singh son of Sant Prasad Rai proprietor of M/s Chauhan Mini Rice Mill, Resident of Village- Lalapur Kudra, P.S. Kudra, District- Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department, through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
4. Managing Director, The Bihar State Food and Civil Supplies Corporation



Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.

5. District Magistrate-cum- Collector, Kaimur, District- Kaimur.
6. District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur.
7. The District Certificate Officer, Kaimur, District- Kaimur.
8. The Officer In- Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 579 of 2021

Shesh Nath Tiwari, Son of Ram Lakhan Tiwari, Proprietor of M/s. Brij Kishore Rice Mill, Resident of Village-Newras, P.S.-Kudra, District-Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna-800001.
4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna-800001.
5. District Magistrate-cum-Collector, Kaimur, District-Kaimur.
6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
7. The District Certificate Officer, Kaimur, District-Kaimur.
8. The Officer In-Charge, Kudra, P.S. Kudra, District-Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 891 of 2021

Rajesh Kumar Son of Radhe Shyam Singh, proprietor of M/s Paras Rice Mill, Resident of Village-Lalapur Kudra, P.S. Kudra, District-Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing



Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna-800001.

4. Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna-800001.
5. District Magistrate-cum-Collector, Kaimur, District-Kaimur.
6. district Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
7. The District Certificate Officer, Kaimur, District-Kaimur.
8. The Officer In-Charge, Kudra, P.S. Kudra, District-Kaimur (Bhabhua).

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 976 of 2021

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Bhim Shankar Pathak Son of Late Gupud Pathak proprietor of M/s Shanti Mini Rice Mill, Resident of Village- Lalapur Kudra, P.s.- Kudra, District-Kaimur (Bhabhua)

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna
2. Food and Consumer Protection Department, through its the Principal Secretary, Bihar at Patna
3. Bihar State Food and Civil Supplies Corporation, through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
4. Managing Director, The Bihar State Food and Civil Supplies Corporation, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
5. District Magistrate-cum-Collector, Kaimur, District- Kaimur
6. District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur
7. The District Certificate Officer, Kaimur, District- Kaimur
8. The Officer in Charge, Kudra, P.s- Kudra, District- Kaimur (Bhabhua)

... .. Respondents

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with

Civil Writ Jurisdiction Case No. 1005 of 2021

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Amindar Kumar Singh @ Amindar Singh S/o Haridwar Singh Proprietor of M/S Sikriwal Rice Mini Mill, Bagadhi, Resident of Village of Bagadhi, P.S.- Ramgarh, Distt.- Kaimur (Bhabua).

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer



Protection Department, Patna, Bihar at Patna.

2. Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation Through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
4. Managing Director The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
5. District Magistrate-cum- Collector Kaimur, District- Kaimur.
6. District Manager Bihar State Food and Civil Supplies Corporation, District- Kaimur.
7. The District Certificate Officer Kaimur, District- Kaimur.
8. The Officer In-Charge, Ramgarh P.S.- Ramgarh, District- Kaimur (Bhabhua).

... .. Respondents

with

Civil Writ Jurisdiction Case No. 1182 of 2021

Smt. Kiran Kumar @ Kiran Devi @ Kiran Kumari Wife of Satish Kumar Singh Proprietor of M/s Khushi Mini Rice Mill, Kudra, Resident of Village- Kahnethi, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. Food and Consumer Protection Department Through its the Principal Secretary, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation Through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.2, Patna- 800001.
4. Managing Director The Bihar Food and Civil Supplies Corporation, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.2, Patna- 800001.
5. District Magistrate-cum- Collector Kaimur, District- Kaimur.
6. District Manager Bihar State Food and Civil Supplies Corporation, District- Kaimur.
7. The District Certificate Officer Kaimur, District- Kaimur.
8. The Officer In- Charge, Kudra P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondents

Appearance :

(In all cases

For the Petitioner(s) : Mr. Sumeet Kumar Singh, Advocate
For the Respondent BSFC: Mr. Anjani Kumar, Senior Advocate



Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 22-12-2021 Heard learned counsel for the parties.

In all these applications, the petitioners have put to challenge, *inter alia*, a public notice published in daily newspaper 'Hindustan' dated 08.07.2020 by the Bihar State Food and Civil Supplies Corporation Limited (BSFC in short) under the joint signature of the District Magistrate, Kaimur (respondent No.5) and the District Manager, Bihar State Food and Civil Supplies Corporation Limited (respondent No.6) for putting on auction sale the respective properties pledged by them at the time of respective agreements between the petitioners, being the rice millers, and the BSFC for the procurement years 2011-12, 2012-13 and 2013-14, in the light of an order passed by the Supreme Court in case of *Arvind Tiwary v. State of Bihar*, reported in **(2018) 8 SCC 475**.

It is the common case of these petitioners that the respondents have put the pledged properties on auction sale without following due procedure. The date of auction sale mentioned in the impugned notice was fixed as 28.07.2020.



It is an admitted position that the auction sale has not taken place till date. The impugned notice, thus, no more survives and, therefore, its legality or otherwise need not be gone in these matters.

These writ applications are disposed of as having become infructuous accordingly. We have not gone into the merits of the case.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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