

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2667 of 2021

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Satish Kumar, son of Rameshwar Singh, Prop- M/S Mehta Mini Rice Mill,
Resident of Village- Jainagar, P.O.- Chandi, P.S.- Darihat, District- Rohtas,
Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Department, Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation through its Managing Director, KhadyaBahvan, Near R Block, Patna
3. The District Collector District- Rohtas
4. The Divisional Officer Rohtas
5. The District Manager Bihar State Food and Civil Supplies Corporation, District- Rohatas
6. The Certificate Officer Sasaram, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4
		Mr. Upendra Pratap Singh, AC to SC-4
For BSFC	:	Mr. Anjani Kumar, Sr. Advocate
		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 : 22-11-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“i. To issue appropriate writ specially the writ of mandamus to quash the auction notice issued by respondent District Collector, Rohtas dated 27.11.2020 whereby and where under the properties mentioned in serial no.10 (Satish Kumar) of the notice has been set for auction on



07.12.2020 extended to 09.12.2020 and onward.

ii. To issue writ of prohibitory directing the respondents not to make auction sale of the property contain in notice dated 27.11.2020 as the arbitration proceeding is pending in this case, therefore, auction made before adjudication of dispute by arbitrator is against the provision of law and violating the principal of natural justice.

iii. To hold and declare that the respondent Managing Director had no power and authority to constitute committee for making auction sale of pledged property nor the respondent District Collector is competent to make auction sale as the said authorities are not parties in the agreement.

iv. To hold and declare that the notice is wholly illegal and without authority of law as the properties which set on auction has not been valued nor reserve price has been given in the notice.

v. To issue any other writ/writs, order/orders, direction/directions as your honour deemed fit and proper.”

Learned counsel for the petitioner states that perhaps, after filing of the present petition, respondents have initiated certain proceedings which may be required to be assailed if the need so arises.

As such, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to the petitioner to file a fresh petition, on the same and subsequent cause of action.

Permission granted.

The present petition stands disposed of as withdrawn



with liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2021
Transmission Date	

