

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13 of 2021

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Rama Shankar Pathak, Male, aged about 55 years, Son of Late Meghnath Pathak proprietor of M/s Sri Pathak Mini Rice Mill, resident of village-Lalapur, P.S.- Kudra, District- Kaimur at Bhabhua.

... .. Petitioner/s

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

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh and Mr. Utkarsha Utpal, Advocates

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 02-02-2022

The matter has been heard *via* video conferencing.

Heard learned counsel for the parties.

The petitioner has challenged the public notice which appeared in the newspaper 'Hindustan' dated 8th July, 2020. The



notice was issued by Bihar State Food and Civil Supplies Corporation Limited (BSFC). It was proposed to put on auction sale the respective property pledged by the defaulter Millers including that of the petitioner in light of orders dated 28.02.2017 and 13.08.2018 passed by the Hon’ble Supreme Court in SLP(Crl.) No. 1779 of 2016 and SLP(Crl.) No. 9196 of 2017 respectively.

Learned counsel are *ad idem* that the respondents have not put the pledged property on auction sale. The date of auction sale stated in the impugned notice was 28th July, 2020.

Admittedly, the auction sale has not taken place till date. The impugned notice has thus outlived its life. This Court need not adjudicate upon the same.

Having regard to the facts and circumstances of the case, the writ petition is disposed off as having become infructuous.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar/ Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

