

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2929 of 2021

Raj Mohan Pathak Son of Awadh Bihari Pathak Proprietor of M/s Nav Mini Rice Mill, Resident of Village-G.T. Road, Panch Pokhri P.S.-Kudra, District-Kaimur (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

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Arvind Ujjwal (SC4)
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-11-2022

Petitioner has prayed for the following relief(s):

“I. That the present writ application is being filed in the nature of Certiorari for quashing the public notice issued in the daily newspaper for auctioning of the property given at the time of agreement for the procurement year 2012-13 by the petitioner



listed at serial no.70, existing in the name of Rajmohan Pathak bearing Zamabandi No.-Nil, Mauza No.-Pachpokhali/670, Khata No.90, Plot No.-1634, Area-0.57 decimal, valued for Rs.4,15,800.00/- in the daily newspaper “Hindustan” scheduled on 27.7.2020 and on 5.8.2020 in the light of the order passed in S.L.P. (Cri) No.9196 of 2018 dated 13.8.2020 reported in (2018) 8 SCC 475, on the ground that the Hon’ble Apex Court directed to act in accordance with law, there is no order for auction of the property under any law under which the petitioner is facing proceeding, there is action without sanction of law;

II. That the present writ application is being filed in the nature of Mandamus for a direction to the Managing Director, Bihar State Food and Civil Supplies Corporation, District Magistrate, Kaimur and District Manager, Bihar State Food and Civil Supplies Corporation not to auction the property given by the petitioner at the time of agreement for the procurement year 2012-13 without any authority of law/sanction of law and also to revalue the property in accordance with law;

III. For any other relief/reliefs for which the petitioner is entitled for.”

Learned counsel for the petitioner seeks permission to withdraw the present petition, for the same having become infructuous.

Permission granted.



Petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

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