

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18562 of 2019

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Santosh KUMar S/o Ram FeraN Sah Proprietor of Ram Janki Rice and Chura Mill, Resident of Mohalla- Court Bazar, Ward No. 15, Nagar parishad, Sitamarhi, P.s. and District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Managing Director Bihar State Food and Civil Supplies Corporation Limited, Bihar, Patna
3. The District Magistrate Sitamarhi, District- Sitamarhi
4. The District Certificate Officer Sitamarhi, District- Sitamarhi
5. The District Manger Bihar State Food and Civil Supplies Corporation Limited, Sitamarhi, District- Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. S. Raja Ahmad, AAG-5
		Mr. Vishwambhar Prasad, A.C. to AAG-5
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 14-12-2022

Petitioner has prayed for the following relief(s):-

- (i) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of a writ of certiorari for quashing the : *order* dated 03.08.2019 issued by District Magistrate, Sitamarhi being Appeal Case No. 31/2016 by which the Learned District Magistrate, without any evidence ignoring the document filed by the petitioner passed an order dated 03.08.2019 against the Petitioner with a direction to deposit Rs. 1,18,84,571.63 within one month ignoring



that the arbitration proceeding is going on which is against the law as well as on fact and fit to be set aside.

- (ii) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of a writ of mandamus commanding the respondents for that on the one hand Petitioner filed Request Case being Request Case No. 179/2017 for appointment of an arbitrator and accordingly arbitrator has been appointed and on the other hand the Learned District Magistrate passed the impugned order dated 03.08.2019 which is against the rule and law and not permissible in the eye of law as well on fact and fit to be set aside.
- (iii) For issuance of a writ in the nature of writ of mandamus directing the Respondents not taking any action against the petitioner during pendency of the writ petition for recovery of alleged amount and same may kindly be stayed.
- (iv) For issuance of any other consequential writ / order / direction to the Respondents for which the Petitioner is entitled to under the facts and circumstances of the case.

Learned counsel for the petitioner states that the present petition has become infructuous. As such, he does not press the present petition.



The instant petition stands disposed of as not pressed.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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