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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Judicial Case)

(Arising CWJC No. 9632 of 2014 Admitted on 18.6.2014)

M.J.C. No. of 2014

Jay Prakash Rajak Petitioner

Versus

The State of Bihar and othersOpposite Parties

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Subject : Modification matter

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File No. 18/2014
Shri. B. K. Prasad
Advocate
Patna

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Miscellaneous Jurisdiction Case)

(Arising order dt 18.6.2014 passed in CWJC No.9632/14)

MJC No. of 2014

In the matter of an application under
Article 226 of the Constitution of India

AND

In the matter of;

Jay Prakash Rajak , son of late Jageshwer Rajak, R/O Gulab bagh,
PS- Sadar , District- Purnea ...Petitioner

Versus

1. The State of Bihar through the Chief Secretary , govt. of Bihar,
Patna.
2. That Principal Secretary ,food & Consumer Protection
Department Government of Bihar, Patna.

(2)

3. The Managing Director, Bihar State Food and Civil supply Corporation, Sone Bhawan , Birchand Pael Path, Patna.
4. The District Magistrate , Lakhisarai.
5. The District Manager, Bihar State Food and Civil supply Corporation, Madhepura .
6. The District Magistrate , Madhepura.
7. The District Manager, Bihar State Food and Civil supply Corporation, Purnea .
8. The Area Manager, Food Corporation of India, Purnea.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and her companion justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner named above.

MOST RESPECTFULLY SHEWETH:-

1. That this is an application for modification of the order dated 18.06.2014 passed by Hon'ble Mr. Justice Ramesh Kumar Datta in CWJC No. 9632 of 2014 to the extent to extend the

- iv.** For quashing the notice dated 06.05.2014 issued by respondent no. 6 by which a demand of Rs.24,57,910.00 has been made to deposit in favour of Bihar State food Corporation for remaining quantity of Rice (CMR).
 - v.** For directing the respondents to not debarred the petitioner from entering into future transactions with the BSFC.
 - vi.** For direction the respondents to restrained from any proceeding including certificate case or taking any coercive action against the petitioner.
 - vii.** For the other reliefs which may be granted to the petitioner in the facts and circumstances of this case.
- 4.** That the writ application was heard by Hon'ble Mr. Justice Ramesh Kumar Datta on 18.06.2014 and the Hon'ble Court was please to admit this petition and directed to deposit an amount of Rs. 7,00,000/- in two equal installment 1st installment has to be deposit within a week and 2nd installment within four weeks.

A Photocopy of Hon'ble court's order is annexed herewith and marked as Annexure-1

5. That in course of argument of this case the counsel of the Bihar State food Corporation submitted that direction has already been given to the millers for sell out the rice in question.
6. That the petitioner has already deposit 1st installment by arranging money from the market on loan in anticipation that he will paid the 2nd installment after sale of Rice (CMR).
7. That unfortunately no purchaser turned up to purchase the Rice despite best effort by the petitioner as quality of rice is in very poor condition therefore some time is require to arrange the money to deposit the amount in view of the Hon'ble court's order.
8. That detail facts and already been given in the writ application therefore not repeated .
9. That for this petitioner tender unqualified and unconditional apology for inconvenience caused to this Hon'ble Court.

- 10.** That the petitioner under facts and circumstances as stated above does not have any alternative or efficacious remedy other than to file this petition for extension of time for deposit this amount.

It is, therefore, prayed that your Lordship may graciously be pleased to allow this petition and extend the date for further 3 weeks for deposit the 2nd installment (50% of the amount) which was fixed by the Hon'ble Mr Justice Ramesh Kumar Datta by order dated 18.06.2014.

And / Or

Pass such any other order or orders as your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I Jay Prakash Rajak , aged about 51 years, son of Late Jageshwer Rajak, resident of Gulab bagh, P.S.-Sadar , District – Purnea, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this petition have been read over and explained to me in Hindi which I have understood the same.
3. That the facts stated in this petition are true to my knowledge and information and rest are by way of submission before this Hon'ble Court.
4. That the annexure is photocopy of its original.

5/11/2014
I (Identity the deponer) -
U.P. Yadav A/c to Mr. S.P. Singh
an Amruli P.H.C
R.N. - 963/2014

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA
COURT FEE
Authorization No. 2676



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21.6.2014
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JUDICIAL
Bihar

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Annexure 2

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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9632 of 2014

Jay Prakash Rajak Petitioner
Versus
The State of Bihar & Ors Respondents

Appearance :
For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the BSFC : Mr. R.S.Pradhan, Advocate with
Mr.Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 18-06-2014

Learned counsel for the petitioner submits that as against the demand of Rs.38,94,044/- by letter dated 29.04.2014 of the respondent Corporation the petitioner is willing to deposit an amount of Rs 0/- lacs, 50% of the said amount within one week from today and the balance 50% within four weeks.

Let the petitioner deposit the aforesaid amount in terms of the undertaking through Demand Draft in favour of the Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Patna.

Subject to the aforesaid deposits being made, no coercive step shall be taken against the petitioner for realization of the dues.

The writ application is admitted for hearing. It shall be heard along with CWJC No. 13746 of 2013. The order dated 10.2.2014 passed in the said writ application shall mutatis mutandis apply to the case of the petitioner also.

S.Pandey/-

Sd/-
(Ramesh Kumar Datta, J)

U T

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)
Patna High Court
Authorized by Act of 1972

Reela Pandey
24/6/2014

period for further 3 week for the depositing the next 50% of the amount (2nd installment) which was directed by the Hon'ble Court to deposit within 4 week.

2. That the petitioner has not filed earlier any modification petition in this matter.

3. That the writ petition was filed for the following reliefs :

i. For issuance of writ of mandamus for direction to the respondents to pay the milling charge of the paddy which is done by the petitioner in pursuant to the agreement with the Bihar State Food & Civil Supply Corporation Ltd.

ii. For issuance to writ of mandamus commanding the respondents to pay the transportation cost which is done by the petitioner for carrying the paddy from the paddy procurement centre to mill of the petitioner.

iii. For issuance of writ in the nature of Mandamus for direction to the respondents to lift the remaining quantity of the paddy & CMR which is supply by Respondent No. 6.