

**(2018) 10 PAT CK 0028**

**In the Patna High Court**

**Case No :** Letters Patent Appeal No.1435 of 2018 In Civil Writ Jurisdiction Case No.16890 of 2018

**Bihar State Food and Civil Supplies Corporation Ltd @APPELLANT@Hash Sanjay Kumar Singh**

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**Date of Decision :** 11-10-2018

**Acts Referred:**

**Citation :** (2018) 10 PAT CK 0028

**Hon'ble Judges :** Mukesh R. Shah, CJ;Ashutosh Kumar,J

**Bench :** Division Bench

**Advocate :** Anjani Kumar Singh, Shailendra Kumar Singh, Prabhat Ranjan

**Final Decision :** Allowed

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**Judgement**

1. Admit. Shri Prabhat Ranjan, learned Advocate appearing on behalf of the respondent-original writ-petitioner waives service of notice on behalf of

the respondent- original writ-petitioner.

1.1. In the facts and circumstances of the case and as the main writ petition is yet to be considered by the learned Single Judge even for admission

hearing and the present appeal is against the order passed by the learned Single Judge granting ex parte ad interim stay, we have heard the present

appeal today finally.

2. Feeling aggrieved and dissatisfied with the impugned order passed by the learned Single Judge dated 31.08.2018 in C.W.J.C. No. 16890 of 2018, by

which the learned Single Judge has stayed the subsequent order passed by the appellant Corporation dated 02.08.2018 while adjourning the matter, the

Corporation has preferred the present Letters Patent Appeal.

3. Heard the learned counsel appearing on behalf of the respective parties at length and after hearing the learned counsel appearing on behalf of the

respective parties, we were to quash and set aside the impugned order passed by the learned Single Judge in so far as staying the order dated

02.08.2018 with reasons, learned counsel appearing on behalf of the original writ-petitioner has requested not to pass any reasoned order as even

otherwise the matter is at large before the learned Single Judge.

Â However, he has requested to protect the interest of the original writ-petitioner also. Under the circumstances, while quashing and setting aside the

impugned order dated 31.08.2018 passed by the learned Single Judge in C.W.J.C. No. 16890 of 2018 in so far as staying the order dated 02.08.2018,

we are not assigning any further reasoned order as even otherwise the matter is at large before the learned Single Judge. Suffice it to say that the

interim order was passed on 31.08.2018 staying the order dated 02.08.2018 on the same day on which the original writ-petitioner amended the writ

petition and prima facie it can be said that there was no occasion for the Corporation to file counter to the amendment petition challenging the

subsequent order dated 02.08.2018.

3.1. Be that as it may, as the learned counsel appearing on behalf of the original writ-petitioner is not pressing for any reasoned order, we are not

passing any further reasoned order while quashing and setting aside the impugned order dated 31.08.2018 passed by the learned Single Judge in

C.W.J.C. No. 16890 of 2018 in so far as granting the stay of the order dated 02.08.2018 is concerned.

4. In view of the above, the present Letters Patent Appeal is allowed. The impugned order dated 31.08.2018 passed by the learned Single Judge in

C.W.J.C. No. 16890 of 2018 in so far as granting the stay of the order dated 02.08.2018 is hereby quashed and set aside. However, it is made clear

that we are not expressing anything on merits in favour of either party either with respect to the show-cause notice and/or the final order dated

02.08.2018 as the same is yet to be considered by the learned Single Judge. Now, the matter to be placed before the learned Single Judge as per the

roster on 1st November, 2018. However, it is observed that any further consequential action on the basis of the order dated 02.08.2018 shall be

subject to the further order that may be passed by the learned Single Judge. Corporation-appellant to file counter to the main petition within a period of

three weeks from today.

4.1. With these, the present appeal is allowed. No cost.