

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4663 of 2015

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1. Sahil Rice Mill through its Proprietor Md. Saud Alam, Son of Rijavan Alam, resident of Village- Bharily, P.O. Gaira, P.s. Jalalgarh, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Supaul.
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
6. The District Manager, State Food Corporation, Supaul, District- Supaul.

.... Respondent/s

With

Civil Writ Jurisdiction Case No.4883 of 2015

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1. Avayan Enterprises Private Limited Purnea through its Manager Randhir Kumar. Son of Sri Basudev Panjiyar. Raniganj, P.S.- Merriganj, Dist.- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Supaul.
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
6. The District Manager, State Food Corporation, Supaul, District - Supaul.

.... Respondents

With

Civil Writ Jurisdiction Case No.10052 of 2015

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1. M/s Radhika Mill through its proprietor Dhananjay Pandey son of Sri Sumeshwar Pandey, resident of Village Dhaniwar tola Biraj Bigha, P.S. Amba, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Aurangabad.
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its

Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
6. The District Manager, State Food Corporation, District- Aurangabad.

.... Respondents

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with

Civil Writ Jurisdiction Case No.10062 of 2015

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1. M/s Jai Bajrang Mini Rice Mill, Chilhiki Amba, through its Proprietor Lallan Kumar Singh son of Late Laxman Singh, resident of Village- Lavari, P.S.- Kutumba, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Aurangabad.
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
6. The District Manager, State Food Corporation, District- Aurangabad.

.... Respondents

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Appearance :

(In CWJC No.4663 of 2015)

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate.
For the Respondents : Mr. J.P. Karn, AAG-4
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No.4883 of 2015)

For the Petitioner : Mr. Sanjeev Kumar Mishra
For the Respondents : Mr. Raj Nandan Prasad, SC-9
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No.10052 of 2015)

For the Petitioner : Mr. Sanjeev Kumar Mishra
For the Respondents : Mr. Anil Kr Uapdhyay SC-20
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No.10062 of 2015)

For the Petitioner : Mr. Sanjeev Kumar Mishra
For the Respondents : Mr. Ajay Bihari Sinha, SC-19
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 29-07-2015 All these writ petitions raise common issue and as such in the light of the order dated 27.7.2015 passed in C.W.J.C.

No. 4663 of 2015 they have been listed together for consideration and disposal. The order present shall govern them.

In the first two cases the petitioners who are rice mill owner(s) have prayed for a direction upon the respondents to accept the Custom Mill Rice (CMR) lying in the godown of petitioners. In C.W.J.C. Nos. 10052 of 2015 and 10062 of 2015 the petitioner rice mill owner has prayed for quashing the certificate proceeding which has been initiated for realization of the cost of CMR which the miller is required to provide to the respondent- Bihar State Food and Civil Supplies Corporation Ltd. (for short 'the Corporation') after milling.

The learned counsel for the Corporation has pointed out that in the first two cases also certificate proceedings have been initiated against the petitioners. In the light of the aforesaid submission, this Court directed for listing of the cases together. That is how they are before this Court for consideration and disposal.

Mr. Mishra learned counsel for the petitioners in all the cases states that the writ applications be disposed of by permitting the petitioners to file the objection in the connected certificate proceedings within a time fame and thereafter commanding the concerned respondent Certificate Officer to consider and dispose of the same in accordance with law. The said contention of the petitioners has not been disputed by the counsel

of the respondent-Corporation.

In this background the present batch of writ petitions, with the consent of the parties, are being disposed of by the following order:-

Let the petitioner of each case file an objection before the respondent- Certificate Officer where the certificate case is/are pending within three weeks whereafter the concerned Certificate Officer shall consider and dispose of the same in accordance with law. Until filing of the objection petition by the petitioners no coercive step shall be taken against them in connection with the pending certificate proceeding. As soon as the petitioners file the objection and pray for stay of any punitive order or action passed/taken against them, the Certificate Officer shall pass appropriate order for staying the penal/punitive action, if any, initiated against the petitioners until disposal of the objection(s) of the petitioners by the Certificate Officer in accordance with law.

(Kishore Kumar Mandal, J)

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