

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8152 of 2015

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M/s Parmar Rice Mill, situated at Village-Kasap, P.S.- Charpokhari
District- Bhojpur, through its Managing Director, Sri Hare Ram Singh, S/o
Sri Ram Layak Singh. Petitioner.

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
 2. The District Certificate Officer, Bhojpur, Ara.
 3. The District Manager, State Food Corporation Bhojpur at Ara.
- Respondents.

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Appearance :

For the Petitioner : Mr. Binod Kumar Sinha, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. Amish Kumar, AC to AAG-14

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

02 28-05-2015 Heard learned counsel for the petitioner, learned counsel

for the State Food Corporation (hereinafter in short SFC) and

learned counsel for the State and with their consent, this

application is being disposed of at this stage itself.

A certificate proceeding was initiated against the
petitioner in which pursuant to notice issued he filed his objection
petition. The grievance was that without deciding objection
petition straightway a non-bailable warrant has been issued.

After considering the matter and after hearing learned
counsel for the SFC who could not oppose the proposition that the
manner in which the Certificate Officer proceeded was wholly
against law. It is now well established by series of judgments of
this Court and I believe that the Certificate Officer should be

educated enough to know the same. Once the objections are filed he has to consider the objections in an objective way and after hearing the parties decide the same by a reasoned speaking order. This is a very valuable and the only right available to a certificate debtor to defend himself. It is a quasi judicial proceeding having drastic consequences.

In that view of the matter, the writ application is allowed. The order dated 13.04.2015 passed by the District Certificate Officer, Bhojpur at Ara in Certificate Case No.18/14-15 is set aside and the Certificate Officer is directed to decide the objection in accordance with law as observed above at the earliest.

(Navaniti Prasad Singh, J.)

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