

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9269 of 2015

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Om Prakash son of Late Ram Prasad Singh , proprietor of - M/S Om Rice Mill, resident of village- Rishiyap, P.S.- Rishiyap , District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Disgtrict - Aurangabad.
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna
3. The District Manager , Bihar State Food and Civil Supplies Corporation Limited , Aurangabad , District- Aurangabad.
4. The District Certificate Officer, Bhojpur at Aurangabad, District- Aurangabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Arvind Kumar, SC 17
Mr. Ashok Kumar Verma, AC to SC 17
For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 08-07-2015 Heard learned counsel for the petitioner, the State and the respondent Bihar State Food and Civil Supplies Corporation Limited.

A short point has been raised on behalf of the petitioner that a certificate has to be issued by the Certificate Officer concerned, but in the present case the same has been issued by the Requisitioning Officer.

It is submitted that the certificate is issued under Form 1 of Schedule II of the Bihar and Orissa Public Demands Recovery Act, 1914 and there is no provision of putting a signature of the

Requisitioning Officer as it is only in the domain of the Certificate Officer. Learned counsel submits that similar view has been taken by this Court in several decisions and one of them has been appended to this writ application as Annexure 7.

Accordingly, the certificate contained in Annexure 6 and the distress warrant for realization of the certificate amount etc. are quashed and set aside. However, the matter is remitted back to the Certificate Officer, Aurangabad to take steps for disposal of Certificate Case No. 37 of 2014-15 afresh in accordance with law.

It is made clear that the Certificate Officer concerned would be required to issue fresh certificate in accordance with law. It is also made clear that the petitioner must cooperate in the matter.

This writ application is allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

SC/-

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