

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11774 of 2015

=====

Prashant Shekhar s/o Kumar Madan Singh, Proprietor of Jai Ambey Mini Rice Mill, resident of village Datiyana, P.S. Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Madhubani.
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, Madhubani, District- Madhubani.
4. The Food Corporation of India, Divisional Manager, Madhubani.
5. The District Certificate Officer, Madhubani, District- Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

For the Respondent/s : Mr. V.K. Singh, GA-3

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food Corporation.

2. The present writ petition has been filed for setting aside the notice dated 18.10.2013 issued by the respondent Certificate Officer, Madhubani in Certificate Case No. 15 of 2013-14 under Section 7 of the Act.

3. It is submitted that the respondent Corporation has certified on 06.01.2015 that the entire amount owing to it has since been deposited by the petitioner, and the amount recoverable is nil. The certificate proceedings in Certificate Case No. 15 of 2013-14 are thus liable to be set aside.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action

of the Respondents.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Madhubani, shall not resort to any coercive action for recovery of the dues shown as outstanding against the petitioner in Certificate Case No. 15 of 2013-14.

(Vikash Jain, J)

Md. Ibrarul/-

U			
---	--	--	--