

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12283 of 2015

=====

Ganesh Prasad Rai S/o Late Ram Prasad Rai Village Madhopur, P.O. Batho, P.S. Bahera, District Darbhanga. Prop, M/s Maa Bhawani Rice Mill, Village Madopur, P.O. Batho, P.S. Bahera, District Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
2. The District Collector, Darbhanga.
3. The Sub Divisional Officer, Darbhanga.
4. The Bihar State Foods and Civil Supplies Corporation Limited, through its Managing Director, Patna, Bihar.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Darbhanga.
6. The Additional Collector-cum-Certificate Officer, Darbhanga.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Krishna Mohan Mishra, Advocate
For the State : Mr. Kumar Manish, SC 21
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-09-2015

The present writ petition has been filed for quashing the order dated 16.03.2015 passed by the Certificate Officer, Darbhanga in Certificate Case No.20 of 2013-14 as being wholly without jurisdiction as the respondent-Corporation has not paid court-fees in terms of Section 5(2) of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”).

2. It is submitted on behalf of the petitioner that the objection with regard to non-payment of court-fees by the respondent-Corporation was raised before the Certificate Officer and non-

payment of such court-fees vitiates the entire proceedings.

3. A perusal of the impugned order dated 19.03.2015 passed by the Certificate Officer, however, discloses that the objection raised by the petitioner with regard to non-payment of court-fees has been duly dealt with by the Certificate Officer.

4. Learned counsel for the respondent-Corporation rightly submits that the remedy to the petitioner is available by way of statutory appeal under Section 60 of the Act.

5. In the above circumstances, this Court is not satisfied to interfere in the matter when the objection petition under Section 9 of the Act has been duly disposed of by the Certificate Officer by a speaking order in terms of the Section 10 of the Act.

6. The writ petition stands, accordingly, dismissed.

(Vikash Jain, J)

B.T/-

U			
---	--	--	--