

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19970 of 2014

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Rabindra Kumar Singh, son of late Parsuram Singh, proprietor of M/s
Malikarjun Mini Rice Mill, Bhundi Tekari, P.S. Mohaniya, Dist. Kaimur at
Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary of Food and Civil Supplies
Department, Bihar, Government of Bihar, Patna.
2. The District Manager of Bihar State Food and Civil Supplies
Corporation Ltd., Kaimur at Bhabua.
3. The District Magistrate, Kaimur at Bhabua.
4. The Certificate Officer, Kaimur at Bhabua.
5. The Block Development Officer, Mohaniya, Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC10

For the Corporation : Mr. Shailendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-01-2015 Heard learned counsel for the parties.

2. It is agreed at bar that the case in hand is squarely
covered by the judgment of this Court dated 22.7.2014 in the case
of *Sone Valley Rice Mill through its Proprietor Sudhakar Singh Vs. The
State of Bihar through Chief Secretary, Govt. of Bihar, Patna & Ors.*
reported in *2014(3)PLJR 819*

3. Learned counsel for the respondent Corporation,
however, had tried to oppose the prayer of quashing of the entire
certificate proceeding on the ground that an earlier writ application
of the same petitioner being CWJC No. 21507 of 2013 was
disposed of on 16.9.2014 by holding it to be covered by the



judgment dated 22.7.2014 in CWJC No. 9133 of 2014 (M/s Shivam Mini Modern Rice Mill Vs. the State of Bihar & Ors.) and therefore the petitioner, now cannot maintain this writ application because in his case, as with regard to same dues, an order has already been passed in the earlier writ application.

4. In the considered opinion of this Court, such submission of Mr. Singh has to be noted only for its being rejected. CWJC No. 21507 of 2013 was filed at a point of time when the petitioner on receipt of the demand notice of the Corporation dated 29.5.2013 had moved this Court for quashing of such demand notice. This Court, at that point of time, having found that there was no certificate case already launched against the petitioner, had found its case to be covered by the case of M/s Shivam Mini Modern Rice Mill (supra). In fact, the Certificate Case No. 191/2014-15 which has been made subject matter of the present writ petitioner seems to have been filed after disposal of CWJC No. 21507 of 2013 because the notice itself under Section 7 was issued to the petitioner on 10.11.2014.

5. In that view of the matter, there would be no difficulty in coming to the conclusion that this writ application is for a fresh cause of action which, in no way, was capable of being raised in the earlier writ application filed by the petitioner.

6. That being so, the notice under Section 7 dated 10.11.0214 in Certificate Case No. 191/1014-15 as also the entire proceeding of the aforesaid case pending before the Certificate Officer, Kaimur is hereby quashed.

7. It, however, goes without saying that the amount, in question, which was involved in the certificate proceeding, can still be recovered by the Corporation by any other mode in accordance with law as per observation made by this Court in the case of Sone Valley Rice (supra).

(Mihir Kumar Jha, J)

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