

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8130 of 2014

=====

Dhananjay Kumar Jha S/o Late Shyama Nand Jha, Chairman of Jamdaha
PACS, Block-Katoria, District-Banka at present resident of village-Patwara,
P.S. Katoria, District-Banka (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. The Registrar, Co-operative Department, Government of Bihar, Patna
3. The District Manager, State Food Corporation, Banka
4. The Enforcement-cum-Circle Officer, Circle-Katoria, District-Banka
5. The In-Charge, Purchase Centre, Katoria, District-Banka

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate
For the Respondent/s : Mr. Nirbhay K. Singh, G.P.-26

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 09-09-2015 Mr. Rakesh Kumar Jha appears to submit that

inadvertently he has filed the vakalatnama on behalf of the Bank

in the present proceeding although the Bank is not a party to the

writ petition. He seeks permission to withdraw the vakalatnama

so filed which is on the record of the proceedings.

Learned counsel is permitted to withdraw the same.

Let the vakalatnama filed on behalf of Subhash Kumar,

the Managing Director of Bhagalpur Central Co-operative Bank

be returned to Mr. Rakesh Kumar Jha during the course of the

day.

Heard the parties.

The petitioner seeks to enforce a payment in respect of

1100 quintals of paddy in the light of a letter dated 15.4.2013 of

the Enforcement Officer-cum-Circle Officer, Katoria which is

addressed to the District Manager, State Food Corporation, Banka.

Mr. Subhash Kumar Mishra, learned counsel for the petitioner relying upon the said letter submits that although the delivery has been made by the petitioner Chairman but the price thereof is not being paid.

Mr. Shailendra Kumar Singh, learned counsel for the Corporation with reference to an order of the Certificate Officer placed at Annexure-11 submits that this matter has reached certificate proceedings bearing Certificate Case No. 13 of 2013-14 and that the Corporation as well as the Circle Officer have denied any such receipt. He submits that even when the matter is yet pending adjudication in the certificate case that the petitioner has approached this Court relying upon a letter of the Circle Officer, the authenticity whereof itself is doubtful.

Having heard learned counsel for the parties and considering that the issue is pending consideration in Certificate Case No. 13 of 2013-14 before the District Certificate Officer, the writ petition is disposed of with liberty to the petitioner to raise all issues as raised herein during the course of the certificate proceedings and which shall be considered and disposed of on its own merit by the District Certificate Officer in accordance with law.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--