

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7747 of 2015

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M/s Maa Vindyavasini Rice Mill through its Proprietor Surendra Kumar Singh, Son of Late Harivansh Narayan Singh, Resident of Village- Navadih, P.S. Mali, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Certificate Officer, Aurangabad.
4. The District Manager, Bihar State Food and Civil Supply Corporation Limited, Aurangabad, District- Aurangabad.
5. Bihar State Food and Civil Supply Corporation Limited through its Managing Director, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : M/s Rajendra Prasad Singh, Sr. Advocate and
Rajeev Kumar Singh, Advocate

For the State : Mr. Manindra Kishore Singh, SC VI

For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-05-2015

Heard the parties.

At the time of hearing learned counsel for the petitioner raises sole issue that the certificate concerned does not appear to have been signed by the Certificate Officer rather the same has been signed by the District Manager, Bihar State Food Corporation.

It is contended that, in view of the above incurable

defect, this case is covered by a judgment dated 20.2.2015 rendered by this Court in C.W.J.C. No. 972/2015 and other analogous matters.

Learned counsel for the respondent BSFC is not in a position to controvert the aforesaid fact that the certificate has not been signed by the Certificate Officer rather its is apparently signed by the District Manager of the BSFC itself who is not the authorized officer to issue such certificate under the Bihar & Orissa Public Demands Recovery Act, 1914, (hereinafter referred to as 'the Act').

Having regards to the aforementioned facts and circumstances this writ application stands allowed in terms of the aforesaid decision as admittedly the certificate suffers from the aforesaid incurable defect.

However, the matter is remitted back to the Certificate Officer, Aurangabad to dispose of the Certificate Case No. 14 of 2014-15 in accordance with law.

Before parting with the matter, I must indicate that it is intriguing as to under what circumstances such defects are being repeated again and again by the concerned authority.

It is expected that proper action in accordance with law would be taken by issuance of notice under Section 7 of the

Act afresh within a period of four weeks from today and, thereafter, the petitioner would be at liberty to file its objection which should be considered in accordance with law by the Certificate Officer.

(Dr. Ravi Ranjan, J)

Spd/-

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