

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9144 of 2015

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1. Birendra Singh, Son of Ram Bilash Singh, Resident of village- Baroondih, P.S. Baroon Dist- Aurangabad.
 2. Abhay Singh, Son of Ram Surith Singh, Resident of village- Baroon, P.S. Baroon, Dis- Aurangabad.
 3. Surendra Kumar Son of Rajeshwar Singh, R/O Village- Koshdihra Tola, P.S.- Baroon, Dist- Aurangabad.
 4. Narendra Kr Singh Son of Lateb Kamlesh Singh, R/O Village- Baroon, P.S.- Baroon, Dist- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District Aurangabad.
2. The District Magistrate District Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Xorporation Limited Aurangabad, District- Aurangabad.
5. The Food Corporation of India, Divisional Manager, Gaya Division, District- Gaya.
6. The Store-in-charge, State Food Corporation, Barun-1, P.S. Barun, District Aurangabad. null null
7. The Certificate Officer, Dist- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh- GA-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

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

2. It is submitted that the petitioners had earlier filed writ petitions which were disposed of in the light of the order passed in M/s Shivam Mini Modern Rice Mill vs. The State of Bihar & Ors. in C.W.J.C. No. 9133 of 2014 and analogous cases. However, before the petitioners could file

their representations before the Managing Director of the respondent Corporation, the notice under Section 7 of the Public Demand Recovery Act has been issued.

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. Be that as it may, 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, Aurangabad, shall not resort to any coercive action for recovery of the dues against the petitioners in Certificate Case Nos. 31/2014-15, 52/2014-15, 92/2014-15 and 41/2014-15.

(Vikash Jain, J)

Md. Ibrarul/-

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