

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8887 of 2015

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Ram Suresh Tiwary Son of late Ram Ruchi @ Ram Khali Tiwari Proprietor of M/s
Baba Baijnathji Rice Mill. resident of Village - Torani P.O. Torni Lehra, P.S
Karahgar, District Rohtas..

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, food and Civil supplies corporation , Bihar, Patna.
3. The Bihar State Food & Civil Supply Corporation Ltd. through its managing
director Patna..
4. The Managing Director, Bihar State Food & Civil Supply Corporation Patna..
5. The District Manager, Bihar State Food & Civil Supply Corporation Rohtas at
Sasaram.
6. The District Certificate Officer Rohtas , Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan 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 petitioner, learned counsel
for the State and learned counsel for the respondent-Corporation.

2. This writ petition has been filed for quashing the
entire certificate proceeding initiated against the petitioner in
Certificate Case No.43 of 2014-15 and for connected reliefs.

3. It is submitted on behalf of the petitioner that the
notice under Section 7 issued in Form No.3 of Schedule II of the
Bihar & Orissa Public Demands Recovery Act (For short, "the Act")
does not meet with the statutory requirements having not been signed

by the Certificate Officer rather it is issued under the signature of the Requisitioning Officer which renders the same invalid.

4. Learned counsel for the respondents, on the other hand, submits that despite valid service of notice under Section 7 of the Act, the petitioner neither raised any objection before the Certificate Officer in that regard nor preferred any petition under Section 9 of the Act denying his liability.

5. This court finds considerable force in the submissions of learned counsel for the petitioner. The notice under Section 7 of the Act does not meet the statutory requirements having not been issued under the signature of the Certificate Officer. The same is, accordingly, held to be invalid and is quashed as such. The matter is remitted to the Certificate Officer, Rohtas at Sasaram for issuance of a fresh notice under Section 7 of the Act and proceed in the matter in accordance with law.

6. The writ petition stands allowed pro tanto.

(Vikash Jain, J)

Md. Ibrarul/-

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