

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15085 of 2015

Radheyshyam Gupta S/o Sri Ram Kishore Shah, resident of Village+P.O.-
Brahampur Chourasta, P.S.- Brahampur, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate cum Collector, Buxar.
3. The Deputy Collector, Land Reforms, Buxar.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.
Buxar.
5. Additional District Magistrate cum Certificate Officer, Buxar.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
Mr. Mohit Srivastava, Advocate
For the BSFC Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Ritesh Kumar, SC 33

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the Bihar State Food and Civil
Supplies Corporation.

2. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 48 of 2013-14 against
the petitioner in terms of Section 7 of the Bihar & Orissa Public
Demands Recovery Act (for short, "the Act") for recovery of the
dues amounting to Rs. 78,30,664.96 are wholly illegal and liable to
be quashed.

3. 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.

4. 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 Additional Collector-cum-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.

5. The writ petition stands disposed of.

(Vikash Jain, J)

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