

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5897 of 2016

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Basanti Devi, wife of Manoj Kumar Singh, Proprietor-Maa Vande Devi Auto Rice Mill, resident of village-Kanchanpur, P.S.-Bihta, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District-Patna
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna-District-Patna
4. The District Certificate Officer, Danapur, District-Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent/s : Mr. MITHILESH KUMAR PATHAK, SC-7

For the B.S.F.C. : Mr. Aditya Prkash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-06-2016

Heard Mr. Sumeet Kumar Singh for the petitioner, counsel
for the State and Mr. Aditya Prkash Sahay for the Corporation.

The petitioner while questioning the validity of the proceedings arising out of Certificate Case No. 3 of 2014-15 has raised grievance that the enclosure to the notice issued under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as 'the Act') impugned at Annexure-6 though makes a reference to the certificate issued under Sections 4 and 6 of 'the Act' but the enclosure is a requisition under Section 5 present at Annexure-6/A. It is in consideration to the issue raised that the District Magistrate, Patna was directed to take notice of the procedural



ignorance by the District Certificate Officer, Danapur, District-Patna and file a counter affidavit which has since been filed and until further orders, the proceedings in Certificate Case No. 3 of 2014-15 was directed to remain stayed.

A counter affidavit has been filed by the District Magistrate, Patna and who in context with the issue framed by this Court has made statement vide paragraph-5 that the District Certificate Officer has rectified his mistakes and has also taken corrective measures by issuing fresh notice under Section 7 of 'the Act' enclosing the certificate, a copy of which is present at Annexure-A series which has also been communicated to the petitioner for filing his objection under Section 9 of 'the Act'. The notice issued on 13.6.2016 and its receipt is admitted by Mr. Sumeet Kumar Singh appearing for the petitioner. The District Magistrate has also discussed the measures taken by him for updating the Officers discharging functions of Certificate Officers on the lawful procedure required to be followed in a proceeding arising under 'the Act' and its stringent nature and which is manifest from the enclosures at Annexure-B and C to the counter affidavit.

In the circumstances discussed, where the infirmity whatsoever occurring in the proceedings stands rectified vide Annexure-A series to the counter affidavit, I find no reason to keep the writ petition pending which is accordingly disposed of with a

direction to the petitioner to file his objection under Section 9 of ‘the Act’ and since the notice under Section 7 has been issued on 13.6.2016, petitioner would be well advised to file his reply by 12.7.2016, failing which the District Certificate Officer, Danapur, District-Patna would be at liberty to proceed and dispose of the certificate case in accordance with law.

It goes without saying that the petitioner would cooperate in the proceedings and would not adopt dilatory attitude and in the event of the petitioner trying to delay the proceedings, the District Certificate Officer, Danapur, District-Patna may proceed to dispose of the matter accordingly after recording his reasons for disposal and by a speaking order.

(Jyoti Saran, J)

S.Sb/-

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CAV DATE	
Uploading Date	30.06.2016
Transmission Date	