

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4629 of 2014

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M/S Aman Industries Parmanpur, Nawa Nagar, through its proprietor Md. Muhammad Ali S/O Late Mohammad Saddik, at present resident of Village Parmanpur, Police Station- Nawa Nagar, District Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Food And Civil Supplies, Govt. Of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Sub Divisional District Magistrate, Buxar.
5. The Certificate Officer, Buxar.
6. The Superintendent Of Police, Buxar.
7. The Officer Incharge Of Nawa Nagar Police Station, District Buxar.
8. The Managing Director, Bihar State Food Corporation, Bihar, Patna.
9. The District Manager, Bihar State Food Corporation, Buxar.
10. The Managing Director Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, Beer Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh, Advocate.

For the Respondents : Mr. Kuber Pathak, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-01-2016

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. 47/2013-14 against the petitioner- M/S Aman Industries 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. 3,22,71,478.30 are wholly illegal and liable to be quashed.

3. Having regard to the nature of the prayer made and with consent of the parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act, if not already so filed 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 the law and in terms of Section 10 of the said Act.

4. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Buxar shall not resort to any coercive action for recovery of the dues against the petitioner-Mill in Certificate Case No. 47/2013-14.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

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