

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10885 of 2012

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Yadunandan Upadhyaya S/O Late Sittal Upadhyaya Resident of Rajgir, Upadhyay
Tola, P.S. Rajgir, Distt - Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Deputy Development Commissioner, Nalanda
5. The Block Development Officer, Silao, Distt- Nalanda
6. The Block Development Officer, Rajgir, Distt- Nalanda
7. The Additional Collector cum Certificate Officer, Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. BRAJESH KUMAR

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner.

2. The present writ petition has been filed for quashing Certificate Case No. 01 of 2012-13 pending before the Additional Collector-cum- Certificate Officer, Nalanda.

3. Learned counsel for the petitioner makes a short submission to the effect that initiation of the certificate proceeding runs contrary to the spirit of the order dated 25.10.2011 passed in LPA No. 1335 of 2011 filed at the instance of the petitioner being a licensee of a fair price shop, and was disposed of in the following terms:-

"We are of the opinion that the ends of justice can be

met if the order of the learned single Judge is modified to the effect that, without prejudice to the rights and contentions raised in the writ petition, the appellant deposits the sum equivalent to 15% of the value of the undistributed rice @ Rs. 10/- per kilogram within six weeks from today. Order accordingly.

The issue will be decided by the Deputy Development Commissioner/competent authority within two months from the date the appellant makes the deposit as directed hereinabove.

The Appeal stands disposed of in the above terms."

4. Learned counsel for the petitioner states that the requisite 15% of the value of the undistributed rice @ Rs. 10/- per kilogram was deposited in November, 2011 and a representation before the Deputy Development Commissioner, Nalanda was filed on 17.12.2011 as contemplated in the order passed in the aforesaid LPA No. 1335 of 2011. It is further stated that without disposing of such representation, coercive steps have been taken against the petitioner by initiation of the subject Certificate Case.

5. None appears on behalf of the respondents, despite repeated calls.

6. Having regard to the nature of the grievance of the petitioner, the writ petition stands disposed of with a direction to the Additional Collector-cum-Certificate Officer, Nalanda (Respondent No. 7) not to proceed against the petitioner for recovery of the dues in Certificate Case No. 01 of 2012-13 until such time as the petitioner's representation dated 17.12.2011, if still pending, is disposed of by the Deputy Development Commissioner,

Nalanda on its own merits.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	13.07.2016
Transmission Date	-