

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17386 of 2013

Manju Devi Wife Of Shri Daroga Prasad Yadav Resident Of Village - Selar Khurd, P.O. Pakauli, Bado, Police Station - Fulwaria, Block Fulwaria, District - Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Govt. Of Bihar, Patna
2. The Secretary, Food and Consumer Protection Department, Govt. Of Bihar, Patna
3. The District Magistrate, Gopalganj
4. The Deputy Development Commissioner, Gopalganj
5. The Superintendent of Police, Gopalganj
6. The District Certificate Officer, Gopalganj
7. The Sub Divisional Certificate Officer, Hathua, District Gopalganj
8. The Sub - Divisional Officer, Hathua, District - Gopalganj
9. The Block Programme Officer, Fulwaria, District - Gopalganj
10. The Block Development Officer, Fulwaria, District - Gopalganj
11. The S.H.O. Fulwaria Police Station, District - Gopalganj
12. The Mukhiya, Gram Panchayat Raj Pakauli Bado, Block Fulwaria, District - Gopalganj
13. The Panchayat Secretary, Gram Panchayat Raj Pakauli, Bado, Block Fulwaria, District - Gopalganj

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. UMESH KUMAR MISHRA

For the Respondent/s : Mr. KUMARI AMRITA

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 17-05-2016

After having heard Mr. Mishra in support of the application as well as the State and on perusal of the statements made in the writ petition and the counter affidavit, it appears for recovery of certain amount outstanding against the petitioner who runs a PDS shop, a certificate proceeding is drawn vide Certificate Case No. 15 of 2012-13. It is stated that the petitioner deposited the cost of the foodgrains (rice) @ 6.25 p. whereas the respondents have claimed the deposit of the cost of the rice given to the petitioner under the Sampurna Gramin

Yojna @ 13.70 per quintal. It further appears that the petitioner, on notice, has appeared in the certificate proceeding.

Counsel for the petitioner is unable to state whether any objection with regard to liability was filed by the petitioner. The petitioner is required in law to file objection under section 9 of the Bihar & Orissa Public Demands Recovery Act, 1940 for consideration and disposal in accordance with law. If it has not been filed, the petitioner would be at liberty to file such an objection for consideration and disposal by the respondent Certificate Officer in accordance with law.

In case the petitioner files an objection in the said certificate proceeding, the respondent will thereafter refrain from taking coercive step against the petitioner until disposal thereof in accordance with law.

The application stands disposed of.

(Kishore Kumar Mandal, J)

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