

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.661 of 2016

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M/s Shankar Rice Plant, through its proprietor Mohan Choubey, son of Late Ramnath Choubey resident of village & P.O.- Indour, P.S.- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Buxar.
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, Buxar, District- Buxar.
4. The District Certificate Officer, Buxar, District- Buxar

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.672 of 2016

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M/s Narayan Jee Mini Rice Plant, through its proprietor Rama Nand Singh, son of Late Shiv Narayan Singh, resident of village Kaithana, P.O- Indour, P.S.- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Buxar.
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, Buxar, District- Buxar.
4. The District Certificate Officer, Buxar, District- Buxar.

.... Respondent/s

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Appearance:

(In CWJC No.661 of 2016)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Avinash Kumar, SC-30
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No.672 of 2016)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. R.K. Priyadarshi, SC-32
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 17-05-2016

Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioners in the two writ petitions, counsel for the State in the respective writ petitions and Mr. Shailendra Kumar Singh for the Corporation.

The infirmity in the certificate proceedings in question which is subject matter of the two writ petitions stands noted in the order of this Court passed on 02.5.2016 and which shall form a part of this order. Apparently the certificate(s) issued by the District Certificate Officer, Buxar is in the teeth of the provisions of Bihar and Orissa Public Demand Recovery Act and it is following the order of this Court that the District Magistrate, Buxar has taken corrective steps accepting the illegality.

In the circumstances discussed, it is only a completion of formality for this Court to quash the certificate(s) impugned in the two writ petitions leaving it open for the District Magistrate, Buxar as well as the District Certificate Officer, Buxar to proceed further in the certificate proceedings in accordance with law.

The writ petitions are allowed.

(Jyoti Saran, J)

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