

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6800 of 2016

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Santosh Kumar, Son of Nand Kishore Sah, Resident of Village - Rampur
Khurd, P.S. - Nath Nagar, District - Bhagalpur.

.... Petitioner/s

Versus

1. Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation, District Office, Banka.
4. The Certificate Officer, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Prasad Mr. Madhu Prasad
For the Respondent/s	:	Mr. Mayank Shekhar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 29-06-2016 Heard Mr. Subodh Prasad, learned counsel appearing
for the petitioner, and learned counsel for the Corporation.

Even while questioning the proceedings arising from Certificate Case No.34 of 2014-15 initiated at the instance of the respondent-Corporation for recovery of an amount of Rs.5,84,701/- stated to be due from the petitioner who is a miller, it is the submission of Mr. Subodh Prasad, learned counsel appearing for the petitioner that of the certificate amount of Rs.5,84,701/- the petitioner has already made payment of Rs.2,53,490/- and even thereafter certain amount has been paid which comes to almost Rs.3,00,000/- and thus a small amount is due in the certificate proceeding and the



petitioner is ready to pay the same but in view of the financial exigency he has filed an application before the District Certificate Officer that he would make payment of the same in reasonable instalment. Even while such submission is being made, there is no such application on record to support the submission.

In the circumstances discussed, I deem it fit and proper to dispose of this writ petition with a liberty to the petitioner to file an appropriate application before the District Certificate Officer, Banka in terms of the provisions underlying Rule-56 of the Rules framed under the Bihar and Orissa Public Demands Recovery Act, 1914 praying for deposit of the certificate amount in instalments and any such application being filed by the petitioner be considered and disposed by the District Certificate Officer, Banka in accordance with law and after giving an opportunity of hearing to the petitioner.

It is submitted by Mr. Prasad that in the meanwhile warrant has been issued against the petitioner.

Considering the submission, liberty is granted to the petitioner to file appropriate application before the District Certificate Officer, Banka, praying for recall of the warrant in view of his willingness to deposit the certificate amount and

which prayer of the petitioner shall be considered and disposed
of by the District Certificate Officer in accordance with law.

The writ is disposed of accordingly.

(Jyoti Saran, J)

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