

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8568 of 2016

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1. M/s Shiv Shakti Rice Mill through its Proprietor Rajesh Jaiswal, Son of Late Ram Chandra Sah, resident of village- Chandra Nagar, P.O- Gulabbagh, P.S.- Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Purnea.
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 Supplied Corporation Limited, Purnea, District- Purnea.
4. The District Certificate Officer, Purnea, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the B.S.F.C. : Mr. Shailendra Kumar Singh
Mr. Aditya Prakash Sahay
For the State : Mr. Nand Kishore Singh, A.C. to G.P.26

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioner and leaned counsels for the State and for the Bihar State Food and Civil Supplies Corporation Ltd.

The petitioner seeks quashing of the certificate proceedings under Certificate Case No.668 of 2014-15 on the ground that the certificate, which was enclosed with Section 7 notice, is contrary to the statutory rules of Public Demand Recovery Act, 1914, as it is blank at many columns, not properly made and also signed by the District Manager, Bihar State Food and Civil Supplies Corporation.



It is pointed out by learned counsel for the petitioner that in Form-1, the first column regarding the number of certificate has been left blank. It is further submitted that the date, month and year have not been mentioned properly in the certificate. The District Manager, Bihar Food and Civil Supplies Corporation has also signed the same.

In this regard, learned counsel for the petitioner refers to a decision of this Court in the case of M/s. Vishnu Sugar Mills Limited and others vs. The State of Bihar and others: 2015 (1) PLJR 863, in which the entire issues have been elaborately discussed along with a long line of decisions starting from Gujraj Sahai vs. Secretary of State for India in Council:(1890) ILR 17 Cal 414 and also as many as five decisions of this Court on this point, which have clearly laid down that all the formalities prescribed by the Legislature are to be complied with to make the certificate valid. In one of the cases cited the certificate was held to be invalid because it was signed by the District Mining Officer in addition to the Certificate Officer.

Learned counsels for the State and for the Bihar State Civil Supplies Corporation are unable to show how the glaring errors in the certificate can be upheld.

In the above circumstances and in view of the earlier

decisions of this Court, the writ application is allowed. The certificate in Certificate Case No. 668 of 2014-15 as also the entire proceedings under the certificate case are quashed. The respondents are given liberty to proceed afresh in the matter if so advised.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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