

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6756 of 2014

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BISHNUKANT JHA SON OF LATE GHURAN JHA RESIDENT OF VILLAGE -
PALIMOHAN, P.S. KALUAHI, DISTRICT - MADHUBANI.

.... PETITIONER

VERSUS

1. THE STATE OF BIHAR
2. THE BIHAR STATE FOOD AND CIVIL SUPPLY CORPORATION
THROUGH ITS MANAGING DIRECTOR, SONE BHAWAN, BIRCHAND
PATEL MARG, PATNA.
3. THE DISTRICT SUPPLY OFFICER-CUM-DISTRICT MAGISTRATE,
KATIHAR.
4. THE DISTRICT MANAGER, BIHAR STATE FOOD AND CIVIL SUPPLY
CORPORATION, KATIHAR.
5. THE ASSTT. GODOWN MANAGER, KADWA, STATE FOOD
CORPORATION, KADWA, KATIHAR.
6. THE DISTRICT CERTIFICATE OFFICER-CUM-SUB-DIVISIONAL
OFFICER, KATIHAR SUB-DIVISION, KATIHAR

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. GP-17 BINOD JEE VERMA
Mr. Tej Prakash Singh, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-01-2016

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent-
Bihar State Food Corporation.

2. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 01 of 2013-14 against
the petitioner in terms of Section 7 of the Bihar & Orissa Public
Demands Recovery Act (for short, "the Act") for recovery of the

dues amounting to Rs. 43, 82,041/- are wholly illegal and liable to be quashed.

3. It is further submitted that an objection petition under Section 9 has already been filed on 21.10.2013 which is pending before the Certificate Officer.

4. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Katihar to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

5. It is made clear that until disposal of such objection petition, if not already disposed of, the Certificate Officer, Katihar shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01 of 2013-14.

(Vikash Jain, J)

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