

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17317 of 2016

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Babloo Kumar Verma, son of Late Ram Chandra Saw, resident of Chandi,
P.S. Chandi, District Nalanda, proprietor of M/s. Kamala Rice Mill, Malati,
Asthama, Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Superintendent of Police, Nalanda
5. The Certificate Officer, Nalanda
6. The District Manager, Bihar State Food and Civil Supplies Corporation
ltd., Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the BSFC : Mr. Aditya Prakash Sahay, Advocate
For the State : Mr. Vikas Ratan Bharti, AC to G.P. 9

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Food and Civil Supplies Corporation.

The petitioner seeks quashing of the Certificate Case
No.16 of 2014-15 and for consequential reliefs, including
quashing of the Body Warrant dated 17.3.2016 passed therein.

The certificate case has been filed for recovery of dues of
the respondent Corporation in relation to supply of paddy to the
petitioner.

It is submitted by learned counsel for the petitioner that
the certificate itself is not in accordance with law as apart from
certain details, which are missing as per the statutory form, the
same is also invalid on account of the fact that the District
Manager, Bihar State Food and Civil Supplies Corporation has
also signed on the certificate.

In support of the aforesaid stand, learned counsel for the

petitioner seeks to rely upon a decision of this Court in the case of M/s. Vishnu Sugar Mills Limited vs. The State of Bihar & Ors. :2015(1) PLJR 863, wherein several decisions of this Court have also been cited in one of which it has been held that it is not open to any other authority to sign the certificate except Certificate Officer. To the same effect is the decision of this Court dated 16.12.2015 in CWJC No. 16421 of 2015 (Vijay Kumar Singh vs. The State of Bihar & Ors.) in which under similar circumstances the certificate has been quashed.

In the aforesaid circumstances, the writ application is allowed and the Certificate signed by the Certificate Officer on 24.2.2015 is quashed. Consequently the Certificate Case No. 16 of 2014-15 shall also stand quashed.

It is, however, made clear that it shall be open to the respondents to proceed afresh in the matter in accordance with law.

(Ramesh Kumar Datta, J)

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