

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9718 of 2016

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M/s. Shree Kuber Udyog, Purnea through its Proprietor namely Bandan Kumar Singh Son of Sri Suresh Prasad Singh, Resident of Bageshwari Asthan Gulab Bagh, P.S. Sadar, District - Purnea

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Purnea
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna null null
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Purnea, District - Purnea
4. The A.D.M. - Cum - District Certificate Officer, Purnea, District Purnea

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the BSFC : Mr. Aditya Prakash Sahay, Advocate
For the State : Mr. Ravish Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 12-08-2016 Heard learned counsel for the petitioner and learned counsels for the Bihar State Food and Civil Supplies Corporation and for the State.

Considering the fact that the petitioner had earlier approached this Court by filing a writ application for quashing the Certificate Case No. 671 of 2014-15, learned counsel for the petitioner is confining his prayer to quash the order dated 8.3.2016 passed in the said certificate case by the Certificate Officer.

The main thrust of submission of learned counsel for the petitioner is that although the order of Certificate Officer is four pages long but he has not made any consideration of the case of the petitioner and grounds taken by the petitioner rather after giving a detailed narration of various points and arguments of both sides he has simply observed that in the facts mentioned above the objection filed by the certificate debtor is not maintainable and

dismissed under Section 10 of the Bihar and Orissa Public Demands Recovery Act.

Learned counsels for the State and for the Bihar State Food and Civil Services Corporation are unable to show as to how there has been the consideration of the issues raised by the petitioner.

In the above circumstances, the writ application is allowed. The impugned order dated 8.3.2016 passed by the A.D.M.-cum-Certificate Officer, Purnea is set aside and the matter is remanded to the Certificate Officer to pass a fresh speaking order in accordance with law.

(Ramesh Kumar Datta, J)

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