

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11468 of 2017

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Anish Kumar, Son of Sri Bhusan Sharma, Director of M/S Manju Modern Rice Mill, Resident of Village Jamuawan, P.S. Paras Bigha, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. District Magistrate, Jehanabad.
3. District Certificate Officer, Jehanabad.
4. Bihar State Food and Civil Supply Corporation Limited through its Managing Director, Bihar State Food and Civil Supply Corporation Limited, Patna.
5. District Manager, State Food Corporation, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. S.Raza Ahmad-AAG5
Mr. Md. Kamil Akhtar, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-09-2017

Heard learned counsel for the petitioner and counsel for the State as also counsel for the B.S.F.C.

In this case, the petitioner has raised a grievance that he has share holder of 20% of the rice mill and, without giving objection, he has offered to make payment of 20% of the outstanding dues i.e. Rs. 1 crore. The Certificate Officer, vide order dated 28.3.2017, has taken into consideration and rejected the same and held that there is no need to hear the matter at the stage of Section 9 of the Bihar and Orissa Public Demand Recovery Act.



If the petitioner deposits Rs. 10 lacs within a period of four weeks from today, in that circumstances, if he files an objection, that will be taken into consideration and, for four weeks, he will not be put behind bar but, if he fails to deposit the aforesaid amount within the aforesaid period of four weeks, the Certificate Officer, Jehanabad will be at liberty to take stern decision and the interim relief given to the petitioner will be treated to have been withdrawn. Thus, if the petitioner files an objection after deposit of Rs. 10 lacs under Section 9 of the Act, the Certificate Officer, Jehanabad will hear the matter and will pass order in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2017
Transmission Date	NA

