

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10415 of 2017

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Pankaj Kumar S/o Bishundeo Rai R/o Village - Raghunathpur Patti, P.S. - Vaishali,
District - Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Dy. Secretary Department of Food and Civil Supplies Govt. of Bihar.
3. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Old Secretariat, P.S. - Sahivalaya, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navjot Yesu

For the Respondent/s : Mr. S. Raza Ahmad- AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-08-2017

Heard learned counsel for the parties.

A complaint has been made by the learned counsel for the petitioner that without serving notice upon the petitioner under Section 7 of the P.D.R. Act, the Authority has initiated the certificate proceeding under the Act which is not the mechanism of the P.D.R. Act. When Certificate Officer receives requisition for realization of certain amount, it requires to ensure the service of notice upon the petitioner, in absence of service of notice, the entire proceeding will be treated to have been vitiated.

The fact is not before this Court whether the notice was issued or not but, a complaint has been made by the petitioner that he



had made a prayer for giving the document with respect to present P.D.R. proceeding but, that has not been given to him.

In that view of the matter, let the Certificate Officer, Vaishali at Hajipur must serve the requisition as well as the certificate including notice upon the petitioner on the day the petitioner would appear before the Authority and the petitioner will be at liberty to file an objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act and, in turn, it will be the duty of the Certificate Officer, Vaishali at Hajipur to consider the objection of the petitioner and pass an order in accordance with law.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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