

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20105 of 2016

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Md. Shabbir Ahmad son of Late Md. Ilyas resident of village - Mir Tola, Ward No. 7, P.S. - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Bir Chand Patel Path, Patna.
3. The District Magistrate, Saharsa.
4. The District Manager, State Food Corporation, Saharsa.
5. The Certificate Officer, Saharsa District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Adv.
For the State	:	Mr. S. Raza Ahmad, Sr. Adv., AAG-5 Mr. Anisul Haque, AC to AAG-5
For BSFC	:	Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-03-2017

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

In the present case, the petitioner is seeking setting aside of the Certificate Case No. 11/2014-15 and claiming that the authorities was first to ascertain the amount and only then they can place the demand of the outstanding dues. It would be proper to quote the prayer of the petitioner made in this writ application which reads as follows:-

"1(A) For issuance of an appropriate writ, order or direction for setting aside the proceeding of the



Certificate case No.-11/2014-15 against the authorities concerned without ascertaining/calculating damage incurred to the Bihar State Food and Civil Supplies Corporation Limited, Patna initiated the proceeding to recover the amount.

- (B) *For issuance of an appropriate writ, order or direction/commanding the respondent authorities to get the recoverable amount ascertained first then pursue the same under PDR Act.*
- (C) *For issuance of writ order and direction for staying the recovery proceeding pending before the certificate officer."*

A proceeding under the Public Demand Recovery Act was initiated for Rs. 80,20,107/-, was decided against him, the petitioner approached this Court in C.W.J.C. No. 7478 of 2015 challenging the order of the Certificate Officer and this Court, vide order dated 12.5.2015, directed the petitioner to exhaust the remedy of appeal. Instead of filing appeal, he filed Title Suit which has been registered as Title Suit No. 135 of 2015 and, so much so, that he has approached this Court again in C.W.J.C. No. 1435 of 2016 and the same was allowed to be withdrawn vide order dated 28.9.2016 without any liberty to approach this Court again. It is nothing but, a case of Bench Hunting. It is the third occasion that the petitioner has approached this Court which is an abuse of the process of the Court.

This writ application is, accordingly, dismissed with a cost of Rs. 10,000/- which has to be deposited by the petitioner in the



account of the Patna High Court Legal Services Committee.

If the petitioner fails to deposit the aforesaid amount of Rs. 10,000/-, the Collector of the District will be recover the said amount along with 15% interest over the same and the same will be deposited in the aforesaid account of Patna High Court Legal Services Committee.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2017
Transmission Date	

