

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8264 of 2016

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Gayatri Devi Wife of Lal Babu Prasad, Proprietor of M/s Hari Om Raw Rice Industries, resident of Chandan Nagar, Gulabbagh, P.S. Sadar, District- Supaul.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. N.K. Agrawal, Sr. Adv. Mr. Sumeet Kumar Singh, Adv.
For the State	: Mr. Birju Prasad, GP-13 Mr. Ravi Kumar, AC to GP-13
For the BSFC.	: M/s Aditya Prakash Sahay and Mayunk Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-01-2017

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner has challenged the Certificate issued by the Certificate Officer, Supaul (Annexure-7/A) and submits that Certificate bears no number, itself is a void Certificate, cannot be proceeded with in view of the judgment reported in 1958 BLJR 820 (Nageshwar Prasad Singh vs. Rai Bahadur Kashinath Singh). It has been mentioned that if the column of Certificate is blank, it is to be declared invalid.



The case was taken up on 18.05.2016 and the Court recorded the aforesaid submission in the order and adjourned the case on next appointed date, but in the meantime, the liberty was given to the District Certificate Officer, Supaul to take corrective steps with regard to remove the defect by issuing a fresh Certificate in terms of the statutory provisions and file the proper Certificate under the Bihar and Orissa Public Demand Recovery Act.

The State Authority has taken note on the observation of the Court, rectified the mistake by issuing a fresh Certificate and removed the defect pointed out by the petitioner.

In such view of the matter, in event of removing of the defect by issuing a fresh Certificate, in such circumstances, the Authority has jurisdiction to proceed with the matter in accordance with law.

The Certificate Officer will issue the notice in terms of Section 7 of the Act and the petitioner if so advised, may file the objection. If such objection is filed, the Certificate Officer will consider the case of the petitioner and take a proper decision by passing a reasoned order, but before parting with the order, it is made clear, as Annexure-7/A has been replaced by the fresh Certificate, in such view of the matter, Certificate Annexure-7/A will lose its relevance and will not be treated to be a Certificate for the purposes of proceeding.



The Certificate Officer will try to dispose of the matter without unnecessary delay.

With the above observation/direction, this petition is disposed of with the aforesaid extent.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.01.2017
Transmission Date	

