

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1612 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 8430 of 2014**

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Raj Balav Singh, Son of Shri Shiv Narayan Singh, Proprietor M/S Kisan Rice Mill,
Resident of Village + P.O. - Narsanda, P.S. - Chandi, District - Nalanda.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Patna.
3. The District Magistrate, Nalanda.
4. The Certificate Officer, Nalanda.
5. The District Manager, Bihar State Food Corporation, Biharsharif, Nalanda.
6. The District Supply Officer, Biharsharif, Nalanda.
7. The S.D.O., Biharsharif, Nalanda.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sumeet Kumar Singh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Marut Nath Ram, A.C. to S.C. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-08-2017

A perusal of Paragraph 6 of the order passed by the learned Writ Court goes to show that the Writ Court has remanded the matter back to the Certification Officer with a direction and liberty granted to the appellant to raise the objects as are contained in the writ petition. Apart from the fact that liberty shall be available to the appellant to raise all such objections including the jurisdiction of the Certification Officer to decide the issue before the adjudication of the



dispute with regard to entitlement of the respondents to claim the amount. All these issues can be raised by the appellant before the Certification Officer and the Certification Officer shall proceed to decide the objection in accordance with law.

Till the matter is not decided afresh by the Certification Officer, no recovery shall be effected against the appellant.

With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.08.2017
Transmission Date	

