

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11005 of 2015

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Nabab Singh S/o Late Dayanand Singh, Resident of village - Sikaria, P.S.
Jehanabad Kodhauna, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The District Magistrate, Jehanabad
3. The Sub-Divisional Officer, Jehanabad
4. The Bihar State Food and Civil Supplies Corporation Ltd. through its Chairman, Patna
5. The District Manager, State Food Corporation, Jehanabad
6. The Additional Collector Cum Certificate officer, Jehanabad
7. The Food Corporation of India, through its Chairman Cum Managing Director, New Delhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.
For the B.S.F.C. : Mr. Durgesh Nandan, A.A.G.-14
Mrs. Kiran Sinha, A.C. to A.A.G.-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-07-2017

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

In this case, the petitioner is challenging the order
dated 16.04.2015 passed by the Additional Collector-cum-
Certificate Officer, Jehanabad, in Certificate Case No. 13 of 2014-
15 for recovery of Rs.55,76,322/-.



In this case, a short question is being raised that the petitioner after received of notice has filed the objection, but the Certificate Officer without dealing with the matter has rejected the objection and passed the order for recovery.

Learned counsel for the B.S.F.C. has fairly made a statement that the order is completely illegal and requires interference by this Court.

Having considered the rival contentions of the parties, it appears that while passing the impugned order, the authority has not dealt with the objection filed by the petitioner, in a very cryptic manner has rejected the objection filed by the petitioner and passed the order of recovery.

In such view of the matter, the order dated 16.04.2015 is set aside. The matter is remanded back to the Additional Collector-cum-Certificate Officer, Jehanabd, to pass fresh order in accordance with law.

At this stage, it has been informed that the petitioner has been kept in custody. Let the petitioner be released on bail in connection with Certificate Case No.13 of 2014-15 to the satisfaction of the Certificate Officer. The Certificate Officer is directed to complete the process and dispose of the certificate proceeding within a period of six weeks from today the date of receipt/production of a copy of this order. Before passing the



order, the Certificate Officer must give notice to both the parties and after giving opportunity of hearing pass a reasoned order in accordance with law.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	02.08.2017
Transmission Date	N/A

