

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11794 of 2015

=====

1. Rakesh Kumar Yadav Son of Shri Chandrika Prasad Yadav, resident of village - Chainpur, P.O. - Bhagwanpur Bazar, Block & P.S. - Adapur, District - East Champaran, Proprietor M/S Goeit Rice Mill, Village Chainpur, P.O. - Bhagwanpur Bazar, Block & P.S. - Adapur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna.
3. The Bihar State Food & civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel marg, Patna, through its Managing Director.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, East Champaran, Motihari.
5. The Collector-cum-District Magistrate, East Champaran, Motihari.
6. The District Certificate Officer, East Champaran, Motihari.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. K.M. Mishra, Advocate.
For BSFC : Mr. Shailendra Kumar Singh, Advocate.
For the State : Mr. S.Raza Ahmad, AAG 9

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-02-2017

Heard the parties.

In the present writ petition, petitioner is challenging the order dated 23.2.2015 passed by the Certificate Officer, East Champaran, Motihari in connection with Certificate Case No. 1 of 2014-15.

It appears that petitioner has received 18204 quintals of paddy against which 8370 quintals of custom milled rice was supplied and balance 3826.68 quintals of custom milled rice



could not be supplied which comes to Rs.82,86,905.14. For recovery of the said amount in terms of the agreement certificate proceeding vide Certificate Case No.1 of 2014-15 has been initiated by the Certificate Officer. Petitioner raised objection by filing application under Section 9 of the Bihar and Orissa public Demand Recovery Act, 1914 (hereinafter referred to as the Act).

It appears that Certificate Officer has not gone into the objection and by a cryptic order and without giving any reason, has rejected the objection of the petitioner. The Certificate Officer is supposed to discharge the duty as quasi judicial body, not administrative authority while considering the objection under Section 9 of the Act.

In such circumstances, the impugned order dated 23.2.2015 is not sustainable and the same is quashed. The matter is remanded back to the Certificate Officer, East Champaran, Motihari who will consider the objection of the petitioner and take a decision by passing a reasoned order in accordance with law within a period of three months from the date of receipt/production of a copy of this order. This order will remain operative subject to the appearance of the petitioner within two weeks.

If the petitioner has been arrested in pursuance of the order of the Certificate Officer, in such circumstances petitioner will



be released on bail on furnishing proper sureties to the satisfaction of the Certificate Officer, East Champaran, Motihari in connection with Certificate Case No.1 of 2014-15.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.2.2017
Transmission Date	NA

