

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10132 of 2017

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1. Yogesh Kumar S/o Shyamdeo Mehta Resident of Village+ Post- Dadhapi, P.S. Madanpur, District Aurangabad, Proprietor of M/s Arwa Polisher Mill, Dadhapi, Madanpur, Aurangabad.

.... Petitioner/s

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Bihar at Patna.
2. The District Magistrate, Aurangabad District Aurangabad.
3. The Managing Director Bihar State Food & Civil Supplies Corporation Limited, Bihar at Patna.
4. The District Manager, B.S.F.C., Aurangabad, District- Aurangabad.
5. The Certificate Officer, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For B.S.F. C : Mr. Shailendra Kumar Singh
For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-07-2017

Heard the parties.

The petitioner has prayed for setting aside the entire certificate proceeding bearing Certificate Case No.5 of 2014-125 pending before the Certificate Officer, Aurangabad.

Petitioner is claiming that he has paid extra amount but it is the matter of adjudication by the Certificate Officer. A certificate proceeding has been initiated vide Certificate Case No.5 of 2014-15 for payment of Rs.51,13,756/-.

Even after service of notice upon the petitioner, he has not



participated in the proceeding but he always tried to get information under R.T.I. about the amount which he has deposited. When a certificate proceeding was initiated it was obligation on the part of the petitioner to participate in the proceeding and put all his claim before the Certificate Officer. If he has deposited the amount, it goes without saying that the Certificate Officer will pass an order in accordance with law. If petitioner files objection within two weeks from today, in such circumstances, no coercive steps will be taken against the petitioner but if he fails to file objection, the Certificate Officer will be at liberty to take action in accordance with law.

Till disposal of the objection filed by the petitioner, no coercive steps will be taken against the petitioner.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.7.2017
Transmission Date	NA

