

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.7424 of 2016**

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1. Markandey Singh Son of Santan Singh, Prop of M/s Singh Rice Mill, Resident of village - Gopalpur, P.S. Sherghati, District - Gaya

.... .... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District Gaya
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, Gaya, District Gaya
4. The District Certificate Officer, Gaya, District Gaya

.... .... Respondent/s

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**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Sumeet Kumar Singh       |
| For the BSFC         | : | Mr. Shailendra Kumar Singh   |
| For the State        | : | Mr. Asif Kalim, AC to AAG-12 |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 11-09-2017**

Heard the parties.

This writ petition has been filed for quashing the Certificate Case No.8 of 2015-2016 which has been initiated against the petitioner. The requisition has not been issued properly though issue in Form II but at the top it has been mentioned certificate of Public Demand whereas this is requisition form, no case number has been mentioned and at the bottom, date is missing.

Learned counsel for the petitioner submits that present



writ petition is completely identical to the judgment dated 21.8.2017 passed in C.W.J.C. No. 11363 of 2017.

In such view of the matter, requisition and certificate are set aside and the matter is remanded back to the Requisitioning Officer, Gaya and he is directed to prepare proper requisition in Form II and Certificate Officer, Gaya will prepare Form I in a proper manner in terms of Act and Rules framed thereunder.

It is further directed that on the receipt of the notice by the petitioner he will co-operate with the disposal of the proceeding. In failure to participation the Certificate Officer, Gaya will be at liberty to decide the matter ex-parte. It goes without saying that when the proceeding is set aside warrant will not be given effect to.

With the aforesaid observation this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

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|-------------------|-----------|
| AFR/NAFR          | NAFR      |
| CAV DATE          | NA        |
| Uploading Date    | 14.9.2017 |
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