

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1257 of 2017

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M/s Pyare Babu Rice Mill through its Proprietor Namely Md. Munna, S/o
Late Ali Mohammad, R/o Village- Jananjai, P.S. + Dist.- Kishanganj

... .. Appellant/s

Versus

1. The State of Bihar through the Collector, Kishanganj.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food & Civil Supply Corporation, Bihar, Patna.
4. The District Certificate Officer, Kishanganj.
5. The District Manager, Bihar State Food & Civil Supply Corporation, Kishanganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s	:	Mr. S.RAZA AHMAD – AAG5
		Mr. Vishwambhar Prasad, AC to AAG5
For B.S.F.C.		Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 03-11-2017 Considering the fact that under the P.D.R. Act only

a show cause notice has been issued and final certificate

proceedings have not been finalized and the learned Writ Court

has already granted liberty to the petitioner to raise all these

objections before the Certification Officer, including the

maintainability of the certificate proceedings, the petitioner, in

all fairness, should have approached the Certification Officer

and filed all objection on the basis of liberty granted by the



learned Single Judge.

We see no reason to take a different view than the one already taken by the learned Single Judge.

The application is disposed of with liberty to the petitioner to raise all the objections before the Certification Officer and we are hopeful that the Certification Officer shall proceed to decide the application in accordance with law. Even the jurisdiction of the Certification Officer to decide the maintainability of the certificate proceedings is left open to be decided by the said authority.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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