

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9135 of 2018

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M/s Sasa Musa Sugar Works Pvt. Ltd. through the Occupier Shahid Ali, S/o
Sri Shaukat Ali, R/o Sasa Musa, P.S.- Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Sugar Cane Development Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Gopalganj.
4. The Sugarcane Officer, Gopalganj, District- Gopalganj.
5. The District Certificate Officer, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Rajiv Roy -GP-1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 03-08-2018

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

Petitioner has filed this writ application for the
following reliefs:

(a) For quashing of entire Certificate
Proceeding started in Case No. 01/ 2015-16 by
the Certificate Officer, Gopalganj and the
notice dated 22.02.2016 issued under Section
7 of the Bihar and Orissa Public Demand
Recovery Act.

(b) For a direction to the District
Certificate Officer, Gopalganj not to take any
coercive step against the petitioner during
pendency of this writ application



(c) For any other relief or reliefs.

He submits that there is defect in the requisition and the certificate, as the Certificate Officer, Gopalganj has not recorded his satisfaction with regard to the dues outstanding from the petitioner. The certificate filed by the Certificate Officer also bears the signature of the Sugarcane Officer.

Learned counsel for the Respondent-State appears and has been heard.

In the present writ application, the issue involved is no longer res integra in view of the decision rendered by this Court in the case of **Hari Prasad Agrawal Vs. State of Bihar**, reported in **1975 BBCJ 723** and in the case of **M/s Vishnu Sugar Mills Ltd. Vs. The State of Bihar & others**, reported in **2015 (1) PLJR 863** by which the entire proceeding has been held to be without jurisdiction for want to proper requisition and certificate.

In view of the above, in my opinion, the certificate proceeding being Certificate Case No. 01/2015-16 has not been initiated validly and the same is, accordingly, set aside with liberty to Respondent No.4, the



Sugarcane Officer, Gopalganj to take fresh steps for recovery of the outstanding dues, if so advised, in accordance with law.

This writ application is allowed.

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2018
Transmission Date	NA

