

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5290 of 2015

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Mahendra Sharma, the Proprietor of M/S Sharma Rice Mill, Arai, Daudnagar,
Son of Late Raghubansh Sharma, R/o Village- Arai, P.O.- Arai, P.S.- Daudnagar,
District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
2. The District Magistrate, Aurangabad.
3. The Certificate Officer, Aurangabad.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd
Aurangabad.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Mr. Arvind Kr. Sharma Mr. Vijay Kumar Vimal, Miss Kumari Neha @ Ritika Rani, Advocates
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

The present writ petition has been filed for the following

reliefs –

“(i) For quashing the notice dated 29.08.2014 issued by the Certificate Officer, Aurangabad in Certificate Case No. 39/14-15 under Section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 as contained in Annexure-2 by which the petitioner has been asked explanation as to why Rs. 1,54,27,066/- be not recovered under the Bihar & Orissa Public Demand Recovery Act 1914 hereinafter referred as Act, 1914.

(ii) Also for quashing the Certificate Case No. 39/14-15 pending before the Certificate Officer, Aurangabad.

(iii) Also for quashing the order dated 13.01.2015 issued



by the Certificate Officer as contained in Annexure-6 by which the petitioner has been directed to make payment of certificate amount i.e. Rs. 1,54,27,066/-.

(iv) Also for directing the District Certificate Officer, Aurangabad to not take any coercive step in any manner against the petitioner in Certificate Case No. 39/14-15.

(v) Also for necessary relief/relies, order/orders, direction/directions for which the petitioner will be entitled in the law as well as in the facts of the case.”

2. At the very outset itself learned counsel for the petitioner was requested to clarify the averment made in paragraph 11 of the writ petition to the effect that the objection petition was filed on 03.02.2015 under Section 9 of the PDR Act which is said to have been disposed of by the District Certificate Officer by order dated 13.01.2015 directing payment to be made by the petitioner. Learned counsel for the petitioner failed to explain how the objection petition could have been disposed of on 13.01.2015 prior to its being filed on 03.02.2015.

3. However, a copy of the objection petition said to have been filed on 03.02.2015 has been enclosed with the writ petition as Annexure-4. The certified copy of the order in the Certificate Case (Annexure-6) does not also support the stand of the petitioner.

4. In the above view of the matter, the writ petition



stands disposed of with a direction to the District Certificate Officer, Aurangabad (Respondent No. 3) that in case the representation said to have been filed before the Certificate Officer on 03.02.2015 as claimed and remains pending, the same shall be considered and disposed of in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.09.2018
Transmission Date	N.A.

