

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10679 of 2015

=====

Tufani Yadav S/o Dhanik Yadav Proprietor of M/s Maa Bhawani Rice Mills,
Bhawanipur, Sour Bazar, District Saharsa, Resident of Village Sapaha, P.S.
Maheskhut, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food Civil Supply and Consumers Protection Department, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation Saharsa.
3. The Certificate Officer, Saharsa.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv
For the BSFC : Mr.Shailendra Kumar Singh, Adv
For the State : Ms. Nutan Kumari Sharma, AC to GA 1

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

I.A. No. 2230 of 2016

The interlocutory application has been filed with the prayer for amendment of the prayer made in para 1 of the writ petition by adding the prayer for quashing the order dated 21.04.2015 passed in Certificate Case No. 7/2014-15 by the District Certificate Officer, Saharsa whereby and whereunder the objection petition filed by the petitioner has been rejected with a direction to issue warrant of attachment to recover Rs. 1,86,78,120/- under the PDR Act.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated to form part of the writ petition.



CWJC No. 10679 of 2015

3. Learned counsel for the petitioner submits that the impugned order dated 21.04.015 has been passed disposing of the petitioner’s objection petition under Section 9 of the PDR Act but without affording detailed reasons for the same.

4. Learned counsel for the respondent Corporation appears and has been heard.

5. At the very outset, this Court takes note that the petitioner has statutory remedy by way of appeal against the impugned order dated 21.04.2015 which has not been availed of. This Court is accordingly not inclined to interfere in the matter on merits. The petitioner shall be at liberty to file a statutory appeal for redressal of his grievances. If any such appeal is filed within a period of 30 days from today, the same shall be considered and disposed of in accordance with law.

6. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

7. It is further directed that the Certificate Officer, Saharsa shall refrain from taking coercive steps against the petitioner for a period of 30 days for filing the appeal.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

