

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15382 of 2015

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Narayan Singh @ Sri Narayan Prasad Singh Son of Late Indras Singh Resident
of village - Bhairoganj, P.S. Bhairoganj, District - West Champaran, Bettiah,
Proprietor of M/s new Rice Mill, Bhairoganj, Bettiah

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food Corporation of India
3. The Bihar State Food and Civil Supply Corporation through its Managing
Director, Patna
4. The District Magistrate, West Champaran, Bettiah
5. The Branch Manager, Bihar State Food and Civil Supply Corporation, Bettiah
6. The Circle officer, West Champaran, Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur
Mr. Sanjeev Kr. Dwivedi, Advocates
For the Respondents : Mr. Santosh Kr. Jha, GP 3
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner, learned counsel
for the State as well as learned counsel for the respondent-Corporation.

2. The present writ petition has been filed for the
following reliefs –

*“(i) For issuance of writ in the appropriate nature for
quashing of the entire certificate proceeding of
Certificate Case No. 30/2013-14 whereby and
whereunder the Certificate Officer has issued a Notice to
the petitioner for payment of the certificate amount.*



(ii) For further direction to the respondents authority to stay the further proceeding of Certificate Case No. 30/2013-14 till the final conclusion of Bagha Bhairoganj P.S. Case no. 121/2015 as since the Department has already lodged a criminal case unless the final conclusion comes the respondents authority is not entitled to recover the said amount.

(iii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law."

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 30/2013-14 initiated against the petitioner for recovery of the dues amounting to Rs. 5,87,63,927/- are wholly illegal and liable to be quashed.

4. This Court takes note that the petitioner has already filed an objection petition under Section 9 of the PDR Act on 07.11.2014 (Annexure-4).

5. With the consent of parties, the present writ petition is disposed of with a direction to the District Certificate Officer, West Champaran, Bettiah to consider and dispose of the objection petition under Section 9 of the Act said to have been filed on 07.11.2014, if still pending, on its own merits within a further period of four weeks from today in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, West Champaran, Bettiah shall



refrain from resorting to any coercive action for recovery of the dues
against the petitioner in Certificate Case No. 30/2013-14.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2018
Transmission Date	N.A.

