

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23007 of 2013

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Md. Mazuddin S/O - Late Haji Zannuddin R/O Village - Phatkantolla, Belwa, P.S.
& District - Araria

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department, Bihar, Patna
2. The District Magistrate, Araria
3. The Certificate Officer, Araria
4. The Block Development Officer, Araria
5. The Mukhiya, Belwa Panchayat, Block - Araria, District - Araria

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Sunil Kr. Mandal, SC 3

Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2018

The present writ petition has been filed for the following

reliefs –

“(a) To quash the requisition dated 2.8.11 send by the Block Development Officer, Araria (in short B.D.O. Araria) to the District Certificate Officer, Araria to recover Rs. 103928.2 from the petitioner as cost of undistributed food grains (rice) under SGRY Scheme, 2003-04.

(b) That quash the notice dated 11.8.11 issued by Certificate Officer, Araria whereby and where under the petitioner has been directed to deposit Rs. 1,05,928/- and Rs. 35 which has been requisitioned to him by the B.D.O., Araria for recovery from petitioner.

(c) Further to quash the notice dated 14.9.13 issued by



the Certificate Officer, Araria by which final notice has been issued to the petitioner for deposit of Rs. 1,50,928 + Rs. 35 failing which attachment proceeding will be initiated against him.

(d) To direct the respondents to recover the abovesaid amount from after property enquiry from the concerned and not to disturb the petitioner for the same.

And for any relief(s) to the petitioner for which he may be entitled to.”

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of paragraph 11 of the writ petition discloses that the petitioner has filed Complaint Case no. 2415 of 2011 before learned Chief Judicial Magistrate , Araria in the form of affidavit dated 12.09.2011 before the Certificate Officer, Araria.

4. Learned counsel for the State submits that Complaint Case no. 2415 of 2011 has been filed merely to create a defence as the same has been filed on 12.09.2011 subsequent to receipt of the notice dated 11.08.2011 from the Certificate Officer, Araria under Section 7 of the Bihar & Orissa Public Demand Recovery Act (for short, “PDR Act”).

5. This Court finds that the statutory notice under Section 7 of the PDR Act has admittedly been issued to the petitioner. Pursuant to the subsequent notice dated 21.09.2011 requiring the petitioner to make the requisite deposit by him, a detailed representation is said to



have been filed on 27.09.2011 before the Certificate Officer. There is nothing in the counter affidavit to suggest that such representation has been disposed of.

6. In the above circumstances, the writ petition stands disposed of with an observation that if the representation said to have been filed on 27.09.2011 remains pending before the Certificate Officer, the same may be disposed of in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2018
Transmission Date	N.A.

