

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12181 of 2015

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M/s Maa Yasoda Mini Rice Mill, Bhoctapur, Siris, Barun, Aurangabad through proprietor, Santosh Kumar, S/o Late Ram Pravesh Mehta resident of village-Bhoctapur Siris, P.S.- Barun, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food & Civil Supply Department, Government of Bihar, Patna
3. The District Magistrate, Aurangabad
4. The District Certificate Officer, Aurangabad
5. The Sub-Divisional Officer Aurangabad
6. The Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna
7. The District Manager, State Food Corporation, Aurangabad
8. The Paddy Procurement Centre, Incharge, Barun, Aurangabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate
For the Respondents : Mr. Manoj Kumar Tandon, AC to GA 10
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

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

2. The present writ petition has been filed for quashing the demand notice dated 29.08.2014 issued by the District Certificate Officer, Aurangabad in Certificate Case No. 21/2014-15 initiated for realization of Rs. 41,68,703/- due against the petitioner; as well as the entire certificate proceedings of Certificate Case No. 21/2014-15.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 21/2014-15 initiated against the



petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, “the PDR Act”) for recovery of the dues amounting to Rs. 41,68,703/- are wholly illegal and liable to be quashed.

4. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying its liability, and as such there is no illegality in the action of the respondents.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file its petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer, Aurangabad (respondent no. 4) on its own merits within a further period of four weeks thereafter 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, Aurangabad shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 21/2014-15.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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