

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2160 of 2017

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Rajesh Kumar, Son of Sonelal Malkar, Resident of District Board Quarter, Ward No.8, P.S.- Dumra, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food Supply and Consumer Protection, Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.
3. The District Manager, State Food Corporation, Sitamarhi.
4. The District Magistrate, Sitamarhi.
5. The Certificate Officer-cum-Senior Deputy Collector, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Madhubala Verma, Advocate
For the Respondents	:	Mr. Sanjay Kumar Giri, GP 9
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

Heard learned senior 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 quashing the proceedings of Certificate Case No. 22/2015-16 with respect to the petitioner initiated against the petitioner and one other person by the Certificate Officer-cum-Senior Deputy Collector, Sitamarhi under the Bihar & Orissa Public Demands Recovery Act, 1914 with regard to alleged Public Demand of Rs. 5,45,147.80.

(II) For a direction to the Respondent Certificate Officer-cum-Senior Deputy Collector, Sitamarhi to not proceed with the Certificate Case No. 22/2015-16 with respect to the petitioner.



(III) For any other direction/orders under the facts and circumstances of the case”.

3. Learned counsel for the respondent-Bihar State Food and Civil Supply Corporation submits that the petitioner is liable for recovery of the public demand under the provisions of Bihar & Orissa Public Demands Recovery Act, 1914 (for short, “PDR Act”) in accordance with the agreement entered into between the parties (Annexure-A to the counter affidavit). It is further pointed out that according to the writ petition, an objection petition under Section 9 of the PDR Act has already been filed by the petitioner before the Certificate Officer (Annexure-1 to the writ petition).

4. Having regard to the above, the writ petition is disposed of with a direction to the Certificate Officer-cum-Senior Deputy Collector, Sitamarhi (respondent no. 5) to consider and dispose of the objection petition filed under Section 9 of the PDR Act in connection with Certificate Case No. 22/2015-16, if still pending, in accordance with law after grant of an opportunity of hearing to the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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