

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13307 of 2015

=====

Vivek Koerala, son of Late Jagat Narayan Singh, at present Adhyaksh, Patyasha PACS Rice Mill Limited, having its office at Patyasha Jalal, P.S. Ahiyapur, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. District Magistrate, Muzaffarpur.
3. S.D.O., Muzaffarpur East cum Certificate Officer.
4. Deputy Collector, Land Reforms, Muzaffarpur East cum Mill Incharge Officer, Bihar.
5. Bihar State Food and Civil Supplies Corporation Ltd., Muzaffarpur through its Manager.
6. District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Muzaffarpur.
7. Lifting Officer CMR cum AGM, Godown Manager, Block - Bochha, District - Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Arvind Kumar Jha, Advocate
For the Respondents : Mr. Tripurari Nath Ambastha, AC to SC 26
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

The present writ petition has been filed for the following
reliefs—

- “(i) An appropriate writ, order or direction quashing the certificate proceeding no. 570 of 2014-15 and all orders passed by respondent no. 3 therein declaring the same as illegal, void and without jurisdiction, be issued.*
- (ii) An appropriate writ, order or direction commanding the respondents specially respondent no. 3 to forbear from proceeding with the Certificate Case No. 570 of 2014-15, be issued.”*



2. At the very outset, learned counsel for the respondent-State invites reference to Annexure-R2-4/A of the counter affidavit filed on behalf of the respondents nos. 2 to 4 being the order dated 21.03.2016 passed under Section 10 of the Bihar & Orissa Public Demand Recovery Act (for short, “PDR Act”) in Certificate Case No. 570 of 2014-15 disposing of the petitioner’s objection petition.

3. Considering that the petitioner’s objection petition has been disposed of by a speaking order dated 21.03.2016 as above, this Court is not inclined to interfere in the matter on merits. In view of the statutory appeal being available to the petitioner in terms of Section 60 of the PDR Act, the writ petition is disposed with liberty to the petitioner to file an appeal against the order dated 21.03.2016 (Annexure-R2-4/A of the counter affidavit).

4. 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.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.09.2018
Transmission Date	N.A.

