

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17859 of 2017

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Vijay Kumar Mishra, Son of Ramanak Mishra, Resident of Mohalla- Usha Sadan, Budh Nagar Road No.02 Postal Park, Chiraiya Tar, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Development Commissioner, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. District Certificate Officer, Sitamarhi.
5. The District Supply Officer, Sitamarhi.
6. The Bihar State Food and Civil Supplies Corporation, Patna through its Managing Director.
7. The District Manager, Bihar State and Civil Supplies Corporation Ltd. Sitamarhi.
8. The Deputy Manager (Claim) S.F.C. Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Adv

For the BSFC Mr. Sanjeev Kumar, Adv

For the Respondent/s : Mr. Md. Shahid Siddique, AC to AG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

The present writ petition has been filed for quashing of the proceeding of Certificate Case No. 7/2016-17 which has been filed for recovery of Rs. 65,45,991/-.

2. A supplementary affidavit has been filed, in para 2 whereof a specific stand has been taken that the petitioner never received the notice under Section 7 of the P.D.R. Act in Certificate Case No. 7/2016-17 and hence, continuance of the proceeding for recovery are wholly arbitrary and illegal.



3. Learned counsel for the respondent-State as well as learned counsel for the BSFC appear and have been heard.

4. Having regard to the nature of the grievance of the petitioner this writ petition is disposed of with a direction to the District Certificate Officer, Sitamarhi (respondent no. 4) to serve the statutory notice under Section 7 of the PDR Act on the petitioner, if not already served, before proceeding further in the matter.

5. It is made clear that in case the stand of the petitioner denying service of notice under Section 7 of the PDR Act is found incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2018
Transmission Date	NA

