

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12844 of 2015

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Amrendra Prasad Choudhary, son of late Hari Choudhary, resident of Mohalla-Jagdishpur, P.S. Jagdishpur, district Bhojpur at present posted as Junior Engineer, Ganga Pump Canal Division, Buxar, (supervisor, Gehu Adhiparpti Kendra, Chousa)

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The General Manager, State Food Corporation, Bihar, patna.
4. The District Magistrate, Buxar
5. The Director, State Food Corporation, Patna Bihar.
6. The District Manager, State Food Corporation, Buxar
7. The Additional Collector-cum- Auction Paper Officer Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Kamlesh Prasad Yadav, Advocate
For the Respondents : Mr. P.K. Verma, AAG 1
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 notice dated 28.05.2015 issued by the District Certificate Officer, Buxar as well as the entire certificate proceedings in Certificate Case No. 04/2015-16 initiated for recovery of Rs. 20,41,184/- due against the petitioner.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 04/2015-16 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. 20,41,184/-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 his 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 his 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, Buxar (respondent no. 7) 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, Buxar shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 04/2015-16.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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