

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13737 of 2015**

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Harishchandra Singh Son of Late Ram Bihari Singh, Proprietor M/s Sheetal Rice Mill, Noniya Patti, Resident of Village- Noniya Patti, P.O.- Manjhariya, Via- Ram Nagar, P.S.- Chautarwa (Bhairoganj), District- West Champaran (Bihar).

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Bihar State Food & Civil Supplies Corporation Limited, Patna through its Managing Director, Sone Bhawan, Bir Chand Patel Path, Patna- 800001.
3. The District Manager, State Food Corporation, West Champaran at Bettiah.
4. The District Certificate Officer, West Champaran at Bettiah, District- West Champaran (Bihar).
5. The Circle Officer, Bagaha-I, District- West Champaran (Bihar).

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Uday Shankar Pandey, Advocate  
For the Respondents : Mr. Rakesh Narayan Singh, AC to AAG 15  
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 31-08-2018**

The present writ petition has been filed for quashing the entire proceeding of Certificate Case No. 22/2013-14 by which the District Certificate Officer, West Champaran at Bettiah has issued demand notice of Rs. 2,03,73,776/- from the petitioner; further for a direction to the District Certificate Officer, West Champaran at Bettiah not to proceed with the proceeding of Certificate Case No. 22/2013-14; and for connected reliefs.



2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 22/2013-14 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "PDR Act") for recovery of the dues amounting to Rs. 2,03,73,776/- are wholly illegal and liable to be quashed.

3. Learned counsel for the respondent-Corporation invites reference to paragraph 12 of the counter affidavit to submit that the objection petition filed under Section 9 of the PDR Act has been disposed of on 11.04.2016 in terms of Section 10 of the Act.

4. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court is not inclined to interfere in the matter. The stand of the respondent-Corporation in the counter affidavit that the objection petition has been disposed of on 11.04.2016, has not been disputed and no rejoinder thereto has been filed.

5. In the above circumstances, the writ petition stands disposed of granting liberty to the petitioner to prefer an appeal against the impugned order dated 11.04.2016 passed by the District Certificate Officer, West Champaran, Bettiah in Certificate Case No. 22/20132-14, if so advised, in terms of the provisions of Section 60 of the PDR Act which, if filed, should be considered and disposed of on its own merits and in accordance with law.



6. 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/-

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