

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10202 of 2015

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Nagina Singh, Son of Late Sri Nandan Singh, Resident of Village- Parohan, P.S.-
Kathaiyan, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-cum-Certificate Officer, Muzaffarpur.
5. The Sub Divisional Magistrate (West), Muzaffarpur.
6. The Block Development Officer, Block Motipur, District Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

None appears on behalf of any of the parties despite
repeated calls.

2. The present writ petition has been filed for the
following reliefs –

*“(i) For issuance of an appropriate writ/order/direction
for quashing the order dated 05.02.2013, passed by the
Block Development Officer, Motipur, whereby and
whereunder in terms of the order dated 02.08.2012
passed in C.W.J.C. No. 13045 of 2012, the representation
filed by the petitioner has been rejected and further
directed the petitioner to deposit the amount as
quantified for 140 quintals of foodgrain in the office of
the Block Nazarat, the petitioner;*

*(ii) For issuance of an appropriate writ/order/direction
for quashing the notice issued under Section 7 of the
Bihar and Orissa Public Demand Recovery Act, 1914*



(hereinafter referred to as 'the Act') dated 30.4.2012, issued under the signature of the Certificate Officer, Muzaffarpur, whereby and whereunder the respondent authorities without complying the principle of natural justice and fair play directed to deposit a sum of Rs. 2,24,637/- by way of initiating Certificate Case No. 692/2011-12;

(iii) For issuance of an appropriate writ/order/ direction to quash the entire certificate proceeding initiated against the petitioner;

(iv) For issuance of an appropriate writ/order/ direction for commanding and directing the respondent authorities not to take any coercive step against the petitioner for realization of the alleged certificate amount;

(v) For issuance of such other order or orders for which the petitioner may be found legally entitled to in the facts and circumstances of the matter stated hereinafter."

3. A perusal of the averments made in the writ petition discloses that the petitioner is aggrieved by the order of the Block Development Officer rejecting his representation filed in pursuance of the liberty granted by this Court in CWJC No. 13045 of 2012 (*Nagina Singh Vrs. The State of Bihar & Ors.*) vide order dated 02.08.2012 and the petitioner has arbitrarily been directed to deposit the value of 140 quintals of food grains at the rate of Rs. 957/- per quintal.

4. The writ petition has been resisted on behalf of the



respondents. In paragraph 4 of the counter affidavit it has been stated that a certificate proceeding for recovery of Rs. 2,24,637/- has been initiated in Certificate Case No. 692 of 2011-12 and the Certificate Officer, Muzaffarpur has issued notice under Section 7 of the PDR Act. It is submitted that the petitioner's representation has been rejected by the Block Development Officer, Motipur in accordance with law and keeping in view the Government Circular.

5. Having regard to the nature of the grievance of the petitioner and the stand of the respondents in the counter affidavit, this Court is of the view that the ends of justice will be met if the petitioner is permitted to approach the Certificate Officer with an objection petition under Section 9 of the PDR Act, if not already filed, for redressal of his grievance. If such an objection petition is filed within a period four weeks hereof, the same shall be considered and disposed of in accordance with law.

6. The writ petition stands disposed of.

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.09.2018
Transmission Date	N.A.

(Vikash Jain, J)

