

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5284 of 2014

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Janeshwar Rice Mill, At + P.O.- Shukla Pipra, Police Station- Mohania, District- Kaimur (Bhabhua) through its proprietor-Abhimanyu Singh, Son off Shree Tejbali Singh At + P.O.- Shukla Pipra, Police Station- Mohania, District- Kaimur (Bhabhua)

.... Petitioner

Versus

1. The State Of Bihar through the Secretary, Food & Civil Supply Corporation Limited, Bihar, Patna
2. The Bihar State Food & Civil Supply Corporation Limited, Patna, through Managing Director
3. The Managing Director, Bihar State Food & Civil Supply Corporation Limited, Patna
4. The District Manager, Bihar State Food & Civil Supply Corporation Limited, Kaimur (Bhabhua)
5. The District Magistrate, Kaimur (Bhabhua)
6. The Certificate Officer-Cum-Senior Deputy Collector, Kaimur (Bhabhua)

.... Respondents

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Appearance :

For the Petitioner : Mr. Shankar Kumar Thakur, Advocate

For Respondent-Corporation: Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondent-Corporation.

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

“(i) For quashing the order of issuing notice dated 03.12.2013 passed in Certificate Case No. 33Y/2013-14 by the respondent no. 6 under Section 7 of Bihar & Orissa Public Demand Recovery Act, 1914 whereby and whereunder the petitioner has been asked to deposit in case of not denying the liability, the amount of Rs. 9351918.61 paisa equivalent to the price of 4859.30



quintals of rice out of 7650 quintals paddy allotted to the petitioner under agreement dated 30.01.2012 entered into between the petitioner and Bihar State Food & Civil Supply Corporation Limited and,

(ii) For quashing the order dated 04.01.2014 passed by the respondent no. 6 in Certificate Case No. 33Y/2013-14 whereby the objection of the petitioner under Section 9 of the Act denying the liability has been rejected and direction given for issuance of bailable warrant and,

(iii) For quashing the order dated 24.01.2014 passed by the respondent no. 6 in Certificate Case No. 33Y/2013-14 whereby the entire movable and immovable property were directed to be attached by the concerned Circle Officer and,

The petitioner further prays for issuance of a writ in the nature of 'Mandamus';

(iv) For a direction to the respondents to lift the rice from the Godown of the petitioner unit as per the agreement dated 30.01.2012 entered into between the petitioner and the Bihar State Food & Civil Supply Corporation Limited through its District Manager and,

(v) For direction to the respondent no. 6 not to proceed with the said certificate proceeding bearing Case no. 33Y/2013-14 till the disposal of the instant writ application, and

Further, prays for issuance of any other appropriate writ/writs, order/orders, direction/directions and relief/relies which he is entitled to in the facts and circumstances of the case."

3. Learned counsel for the respondent-Bihar State Food



& Civil Supply Corporation Limited appears and makes statement at the Bar that the petitioner is in default of its undertaking given to this Court as recorded in the order dated 14.03.2014 to deposit Rs.17/- lacs within the stipulated period of four weeks of the said order.

4. Having regard to the stand of the respondents, this Court is not inclined to consider the writ petition on its merit. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.07.2018
Transmission Date	N.A.

