

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10613 of 2015

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1. M/s Vaibhav Laxmi Industries through its Proprietor Sharda Singh W/o Ram Kumar Singh Resident of Village Bharasara, Police Station Bihia, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Marg, Patna.
2. The District Magistrate, bhojpur at Ara.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhojpur at Ara.
4. The District Certificate Officer, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha, Adv Mr. Rajesh Kumar Jha, Adv
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv
For the State	:	Mrs. Anuradha Singh, SC 21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

As prayed, learned counsel for the petitioner is permitted to make correction in the description of the respondent no. 4 as 'The District Certificate Officer, Bhopur at Ara' in place of 'The District Auction Proceeding Officer, Bhojpur at Ara', as also in the writ petition wherever it has been inadvertently been indicated, in course of the day.

2. The present writ petition has been filed for a direction to the concerned respondent-authorities, particularly respondent no. 4, to serve notice along with demand letter showing details of claims under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 (for short 'the PDR Act') in Certificate Case No. 52/2014-15 within a reasonable time; and further to allow the petitioner to submit his explanation/objection under Section 9 of the PDR Act.



3. Learned counsel for the petitioner invites reference to para 13 of the writ petition wherein a specific stand has been taken that distress warrant has been issued by the District Certificate Officer, Bhojpur at Ara without however, issuing a notice under Section 7 of the PDR Act and without grant of opportunity for filing an objection petition under Section 9 of the PDR Act.

4. Learned counsel for the respondents appears and has been heard. However, no counter affidavit has been filed.

5. Having regard to the nature of the grievance of the petitioner as above, the writ petition is disposed of with a direction to the Certificate Officer to issue the statutory notice under Section 7 of the PDR Act, if not already issued, and proceed in the matter in accordance with law. In case such notice has already been served upon the petitioner, the details thereof along with the details of claim shall be intimated to the petitioner, who shall be at liberty to file an objection petition under Section 9 of the PDR Act within a period of two weeks thereafter.

6. In the meantime, the District Certificate Officer, Bhojpur at Ara shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 52/2014-15.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

