

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17539 of 2014

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Bipin Kumar, Son of Nageshwar Prasad Singh, Resident of Village Pansalwa,
P.S. Beldaur, District Khagaria, presently posted as Block Animal Husbandry
Officer, Block Sahebpur Kamal, District Begusarai

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Govt. of Bihar, Patna.
2. The Secretary, Department of Animal Husbandry, Govt. of Bihar, Patna.
3. The District Magistrate, Begusarai.
4. The District Supply Officer, Begusarai
5. The District Manager, Bihar State Food & Civil Supply Corporation, Begusarai.
6. The Sub-Divisional Officer, Balia, District Begusarai
7. The Block Development Officer, Sahebpur Kamal, District Begusarai
8. The District Certificate Officer, Begusarai

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Pramod Kumar Mishra, Advocate
For the State	:	Mr. Mahendra Pd. Verma, AC to SC 20
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 26-11-2018

I. A. 8711 of 2018

This interlocutory application has been filed, *inter alia*, for recall of the order dated 01.11.2018 for payment of cost of Rs. 5000/- by the respondent-Corporation.

2. The cost was imposed in the backdrop of the failure on the part of the respondent-Corporation in filing counter affidavit as sufficient opportunity having been granted. It is now stated that certain documents were not available in the office and had to be obtained from the Headquarter's file. It is submitted that some delay has been caused on that account and hence, the orders of this Court could not be



complied within time. A counter affidavit was filed on 20.11.2018 as soon as the documents became available.

3. Having regard to the submissions made on behalf of the respondent-Corporation, the order dated 01.11.2008 imposing cost of Rs. 5000/- is recalled with observation that it is expected that in future, the respondent-Corporation shall take steps for timely filing of the counter affidavits to enable early disposal of its matter pending before this Court. The interlocutory application stands allowed.

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4. The main writ petition has been filed for setting aside the Certificate Case No. 08/2013-14 lodged by the District Manager of the respondent Corporation against the petitioner in the court of learned Certificate Officer, Begusarai for recovery of a sum of Rs. 3,27,487/-; and for connected reliefs.

5. Without going into the detailed merits of the matter, this Court takes note that the petitioner has already preferred an objection petition under Section 9 of the Bihar & Orissa Public Demand Recovery Act (for short “the PDR Act”) which is pending before the District Certificate Officer. This fact has not been disputed by the respondents.

6. In the above circumstances, the present writ petition is disposed of with a direction to the District Certificate Officer, Begusarai to dispose of the objection petition under Section 9 of the PDR Act filed by the petitioner and said to be pending, within a period of three weeks from the date of receipt/production of a copy



of this judgment, in terms of Section 10 of the said Act and in accordance with law.

7. It is made clear that until disposal of such petition, the District Certificate Officer, Begusarai shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 08 of 2013-14.

(Vikash Jain, J)

BT/Chandran/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.11.2018
Transmission Date	N.A

