

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9459 of 2015

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M/s Rekha Rice Mill, Proprietor Bajrang Sah, Son of Late Rajendra Sah,
Resident of Village- Motihat, P.S.- Barahat, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Bihar State Food and Civil Supply Corporation Ltd, Bihar, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd, Banka, District- Banka.
5. The Certificate Officer, Banka.

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Ruchikar Jha, AC to SC 8

For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2018

None appears on behalf of the petitioner despite repeated calls.

2. The present writ petition has been filed for quashing the order dated 18.02.2015 passed by the Certificate Officer, Banka passed in Certificate Case No. 15/2014-15 (Annexure-12) by which body warrant was issued against the petitioner due to non-deposit of certificate amount amounting to Rs. 96,95,234/- without considering the preliminary objection and without granting further opportunity to file objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act (for short "PDR Act"); and further grant such other legal



and consequential benefit to the petitioner.

3. A perusal of the averments made in the writ petition discloses that the petitioner had filed an application before the Certificate Officer requesting for a copy of the certificate to be made available to the petitioner to enable him to file an appropriate objection petition under Section 9 of the PDR Act.

4. Learned counsel for the respondent-Corporation appears and has been heard.

5. Having regard to the nature of grievance of the petitioner, the writ petition stands disposed of with a direction to the Certificate Officer, Banka (respondent no. 5) to consider and dispose of the petitioner's request for grant of a copy of the certificate, if still pending. In such event, the petitioner shall be at liberty to file an objection petition under Section 9 of the PDR Act within a period of 30 days thereafter which, if filed, shall be considered and disposed of in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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