

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.644 of 2018

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Sanjay Kumar Jaiswal, Son of Late Kokendra Jaiswal, Resident of Chandan Nagar,
Gulabbagh, P.S.- Sadar, District- Purnea, Proprietor of M/S Manish Mini Rice Mill,
Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Magistrate, Purnea.
5. The Superintendent of Police, Purnea.
6. The Certificate Officer, Purnea.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Alok Ranjan-AAG5
For the BSFC : Mr. Sanjeev Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 10-09-2018

1. The petitioner, by way of the present writ petition, has challenged the notice issued under Sections 4 and 6 of the Bihar & Orissa Public Demand Recovery Act, 1914 dated 26.07.2014 on the ground that the same has been signed, both by the District Manager, S.F.C. and the Certificate Officer, Purnea.

2. I have heard the learned counsel for the parties and perused the materials available on record. I find that the certificate proceedings was initiated upon registration of the certificate case



bearing no. 676 of 2014-15, however notice was issued under Sections 4 and 6 of the Bihar and Orissa Public Demand Recovery Act under the signature of the District Manager, S.F.C., Purnea as well as the Certificate Officer, Purnea which is contrary to the law laid down in a catena of judgments of this Court, inasmuch as the same can only be issued by the Certificate Officer and not by the joint signature of the Certificate Officer and the District Manager.

3. In view of the aforesaid, the present writ petition is allowed and the notice issued under Sections 4 and 6 of the Bihar and Orissa Public Demand Recovery Act, 1914 as well as any subsequent actions of the certificate authorities are quashed and the Certificate Officer is granted liberty to act afresh, in accordance with law, from the stage of issuance of notice under Sections 4 and 6 of the Act.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

