

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9149 of 2018

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M/s Sasa Musa Sugar Works Ltd. Through The Occupier Shahid Ali, S/o Sri Shaukat Ali, R/o Sasa Musa, P.S.- Kuchaikot, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Sugar Cane Development Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Gopalganj.
4. The Sugarcane Officer, Gopalganj, District- Gopalganj.
5. The District Certificate Officer, Gopalganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Abbas Haider -Sc6

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 07-08-2018

Petitioner has filed a supplementary affidavit mentioning the correct certificate case number, as contained in Annexure-2.

Learned counsel for the petitioner is permitted to correct the certificate case number as 2 of 2015-16 in the writ application.

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner has filed this writ application for the following reliefs:

“(a) For quashing of entire Certificate Proceeding started in Case No. 02/ 2015-16 by the Certificate Officer, Gopalganj and the notice dated 08.03.2016 issued under



Section 7 of the Bihar and Orissa Public Demand Recovery Act.

(b) For a direction to the District Certificate Officer, Gopalganj not to take any coercive step against the petitioner during pendency of this writ application

(c) For any other relief or reliefs.”

He submits that there is defect in the requisition and the certificate, as the Certificate Officer, Gopalganj has not recorded his satisfaction with regard to the dues outstanding from the petitioner. The certificate filed by the Certificate Officer also bears the signature of the Sugarcane Officer.

Learned counsel for the Respondent-State appears and has been heard.

In the present writ application, the issue involved is no longer res integra in view of the decision rendered by this Court in the case of **Hari Prasad Agrawal Vs. State of Bihar**, reported in **1975 BBCJ 723** and in the case of **M/s Vishnu Sugar Mills Ltd. Vs. The State of Bihar & others**, reported in **2015 (1) PLJR 863** by which the entire proceeding has been held to be without jurisdiction for want to proper requisition and certificate.

In view of the above, in my opinion, the certificate proceeding being Certificate Case No. 02/2015-16 has not been



initiated validly and the same is, accordingly, set aside with liberty to Respondent No.4, the Sugarcane Officer, Gopalganj to take fresh steps for recovery of the outstanding dues, if so advised, in accordance with law.

This writ application is allowed as above.

(Nilu Agrawal, J)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2018
Transmission Date	NA

