

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6665 of 2018

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Maniari Khairwa Primary Agriculture Credit Society (PACS), Panchayat Maniyari Khairwa, Block Dumra, District Sitamarhi, through its Chairman, Shankar Sah @ Shankar Prasad Sah, son of Late Ram Swaroop Sah, Resident of village Govind, Phandah, P.S. & District Sitamarhi

.... Petitioner

Versus

1. The State of Bihar, the Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Societies, Co-operative Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Co-operative Officer, Sitamarhi cum Certificate Officer, Sitamarhi
5. The Central Co-operative Bank, Sitamarhi through its Managing Director.
6. The Managing Director, the Central Co-operative Bank, Sitamarhi
7. The Branch Manager, the Central Co-operative Bank, Sitamarhi
8. The Bihar State Food and Civil Supply Corporation, Bihar, Patna through its Managing Director.
9. The Managing Director, The Bihar State Food and Civil Supply Corporation, Bihar, Patna
10. The District Manager, The Bihar State Food and Civil Supply Corporation, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Bimal Kumar,
Mr. Birendra Kumar,
For the Respondents : Mrs. Maruti Kumari, Advocates
For the BSFC : Mr. Shailendra Kr. Singh, Advocate
For Cooperative Bank : Mr. Pushpendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-04-2018

Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for the Co-operative Bank and learned counsel for the Bihar State Food and Civil Supplies Corporation.

2. The present writ petition has been filed for the following reliefs –



“(i) For issuance of an appropriate writ/writs, direction/directions, order/orders in the nature of certiorari for quashing the notice dated 27.11.2017 issued under the signature of District Co-operative Officer cum Certificate Officer, Sitamarhi as well as entire proceeding of Certificate Case No. 1156 of 2017 by which he proceeded against the petitioner violating the terms and condition of agreement which is against the law as well as against the natural justice.

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions, in the nature of mandamus commanding the respondents for paying the admitted dues to the Respondent-Bank by the BSFC which was lying dues on supplying of paddy/Rice by the Petitioner PACS in the Year 2012-13 due to which Petitioner facing certificate case without committing any default to its own part.

(iii) For any other relief/reliefs for which the petitioner may be found entitled on the facts and circumstances of the case.”

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 1156 of 2017-18 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 7,68,125.28 are wholly illegal and liable to be quashed.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any objection petition



under Section 9 of the Act denying its liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file its objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.04.2018
Transmission Date	N.A.

