

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1378 of 2018

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Md. Taufiz Alam, Son of Md. Zahid Alam, Resident of Samastipur, P.O.-
Bidyanandapur, P.S.-Chakulia, District-Uttar Dinajpur (WB), Proprietor of
M/S Raj Mini Mill, Uttar Dinajpur (WB),

... .. 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, Kishanganj.
5. The Superintendent of Police, Kishanganj.
6. The Certificate Officer, Kishanganj.
7. The District Manager, Bihar, State Food and Civil Supplies Corporation Ltd, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate Mrs. Arti Kumar, Advocate
For the State	:	Mr. AC to AAG-5
For the BSFC	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 25-07-2018

Heard learned counsel for the petitioner, learned counsel
for the State and counsel appearing for the Bihar State Food and
Civil Supplies Corporation Limited(hereinafter referred to as the
BSFC).

2. Petitioner seeks quashing of Certificate Case No.
06/2015-16 as the certificate (Form-1), which forms part of
Section 7 notice, is contrary to the statutory requirement of the
provisions of Public Demand Recovery Act, 1914.



3. Learned counsel for the petitioner submits that the certificate issued in Form-1 has been signed by the District Manager, BSFC, Kishanganj, as is evident from copy of the certificate (Annexure-3). He submits that the requisition for certificate ought to have been signed/verified by the District Manager instead it has been signed by the Certificate Officer, Kishanganj, which is Annexure-3/1 and the mandatory requirement of law has not been followed.

4. Learned counsel for the respondents submits that the certificate is valid and has been filed because of large outstanding dues on account of lifting of paddy by the petitioner without making payment.

5. The said issue is no longer *res integra*, as it has been decided by a Bench of this Court in C.W.J.C. 11795 of 2017 vide order dated 11.07.2018 and in similar matter, as reported in 2018(3) PLJR 218. The certificate issued in Form-1 signed by the District Manager of the BSFC and the Certificate Officer in the manner aforesaid as contained in Annexure-3 as well as the requisition issued by the District Manager, BSFC, signed by the Certificate Officer(Annexure-3/1), are held to be invalid and are hereby quashed. The Respondent-BSFC shall be at liberty to issue a fresh requisition for recovery of its dues in accordance with law.



6. Since the requisition for certificate and certificate itself has been declared as invalid, no coercive steps will be taken against the petitioner.

7. The writ application stands disposed off.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2018
Transmission Date	NA

