

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2820 of 2019

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Rajiv Kumar aged about 47 years Male, Son of Sri Mahendra Prasad Sah
Resident of Takkichak, P.S. Habibpur, District- Bhagalpur, Proprietor of M/S.
Amrita Rice Mill, having its place of business at Village Takki Chak, P.O.
Mirjanhat, Distt- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
3. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Limited. District Banka.
6. The District Magistrate Cum Collector Cum District Certificate Officer, Buxar, Banka
7. The District Land Acquisition Officer, Banka
8. The Assistant Collector (Trainee), Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2019 This Writ Application cannot proceed in view of the admitted submission of learned counsel for the petitioner that the objections submitted by the petitioner was considered by the Certificate Officer and the same has already been rejected. The order rejecting the objection of the petitioner was never



challenged.

The records show otherwise. From order dated 06.05.2015 passed by the Certificate Officer it appears that the petitioner had undertaken to pay the amount and had requested the Certificate Officer to fix some installments. He paid some amount, thereafter, on 18.06.2015, he was directed to deposit 20% of the amount which he failed to deposit on 21.12.2015, the liability of the petitioner was determined and he was directed to deposit Rs. 75,000/- per month, failing which warrant shall be issued. Thereafter he paid some amount but when he failed to comply with the order, the warrant of arrest has been issued.

Submission of learned counsel for the petitioner that the petitioner has filed a request application for referring the dispute to an arbitrator would not impress this court as the court is of the opinion that as per Annexure-1 to the Writ Application, which is deed of agreement between the Bihar State Food & Civil Supplies Corporation Limited and the petitioner, the recovery of the amount on account of default, loss or damage may come under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914 by instituting Certificate Case.

In the aforesaid view of the matter, this Writ



Application has no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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