

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12920 of 2019

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Md. Naimuddin Son of Late Abdul Rajak, Resident of - Dakhner, Prakhand (Block) and P.S. - Paraiya, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The District Supply Officer-cum-Certificate officer, Gaya.
4. The Prakhand Vikash Padhadhikari, Block- Paraiya, District- Gaya.
5. The Mukhiya, Ajmatganj, P.S.- Paraiya, District- Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate
For the Respondent/s : Mr.Md. Anishul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-10-2019 Petitioner in the present case is challenging the notice dated 22.09.2018 (Annexure '3') issued by the District Supply Officer-cum-Certificate Officer, Gaya as contained in Letter No. 65/370 in connection with Certificate Case No. 22 of 2011-12.

Learned counsel for the petitioner submits that the District Supply Officer-cum-Certificate Officer, Gaya has proceeded to issue the impugned notice and is threatening of coercive action against the petitioner without making himself acquainted with the previous proceeding and the various orders passed by this Court. It is submitted that a three men committee



has been constituted to enquire into the obligations on the part of the Public Distribution System Dealers in the matter in question. This has been done pursuant to the order dated 21.09.2015 passed in C.W.J.C. No. 5638 of 2011. It is further submitted that in C.W.J.C. No. 14348 of 2011 and M.J.C. No. 2394 of 2013 this Court has passed the orders which would clearly demonstrate that the proceeding before the Certificate Officer has been stayed. Despite all these the issuance of the impugned notice and the threat of coercive action is wholly unwarranted.

Learned counsel for the State submits that the petitioner may be given liberty to send his reply with all materials in his possession to the Certificate Officer and if such information are made available to the Certificate Officer he will look into the same and shall abide by the previous orders passed by this Court.

In the given facts and circumstances of the case, this writ application is being disposed off with liberty to the petitioner to submit his reply with all supporting documents including the orders passed by this Court to the District Supply Officer-cum-Certificate Officer, Gaya in connection with Certificate Case 22 of 2011-12, who will look into the same and



let it be recorded that the District Supply Officer-cum-Certificate Officer, Gaya shall not cause or cause to be done any such act or omission which would not only be contrary to the order of this Court but would cause harassment to the petitioner. Such situation should be avoided because in case it is found that the petitioner is being harassed despite there being the order of the Court, this Court may have to take a serious view of the matter.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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