

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1643 of 2020

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Alok Kumar Khemka, Son of Sri Vijay Kumar Khemka @ Vijay Khemka,
Resident of Gulab Bagh, Police Station- Sadar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food and Civil Supply Corporation,
Sone Bhawan, Birchand Patel Marg, Patna.
3. The Deputy Chief (Claim), Bihar State Food and Civil Supply Corporation,
Sone Bhawan, Birchand Patel Marg, Patna.
4. The District Magistrate, Purnea.
5. The Certificate Officer, Purnea.
6. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Adv.
For the State	:	Mr. Arvind Ujjwal (SC-4)
For the BSFC	:	Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 19-02-2020

An order was passed by this Court on 17.03.2016 in C.W.J.C. No. 5310 of 2016, making provision for the petitioner to deposit the balance outstanding dues in terms of Letter No. 321 dated 02.05.2014 of the respondent No. 6 therein, after deducting what was paid subsequent to that letter and also after adjusting the amount which was adjustable on account of milling and handling charges latest



by 31st of August, 2016. The further proceedings in Certificate Case No. 669 of 2014-15 pending before the Certificate Officer was directed to be put in abeyance.

2. This Court by the aforesaid order dated 17.03.2016 gave a clear direction that on the petitioner paying the dues as per the schedule fixed by the District Manager, BSFC, Purnea and the entire amount being liquidated by 31st of August, 2016, the entire proceeding of Certificate Case No. 669 of 2014-15 shall stand quashed. However, it was cautioned by the aforesaid order that if the petitioner defaults in payment as per the schedule indicated above, the respondents would be free to proceed with the certificate case.

3. According to the petitioner, the entire dues amount has been paid in accordance with the schedule fixed by the District Manager, BSFC, Purnea. In that event, there should be a closure of the certificate proceeding which in itself would be a certificate of "No Dues" against the petitioner.

4. With reference to some communication



between the two authorities, the petitioner has jumped to the conclusion that a direction is required to be issued afresh for issuance of No Objection Certificate.

5. The petitioner would, in the aforesaid circumstances, have been well advised to approach the concerned Certificate Officer with a request for the closure of the certificate case. The order-sheet of the Certificate Court indicating closure of the proceeding is then required to be deposited with the concerned BSFC.

6. There is no requirement for this Court to issue any *mandamus* for giving any No Dues Certificate in the aforesaid circumstance.

7. No order is thus required to be passed in the present petition.

8. The writ petition stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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