

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1037 of 2020

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Bhujendra Sah S/o Late Sitaram Sah proprietor of M/s Shivam Rice Mill,
Resident of village- Jhauaram, P.S.- Dhaka, Distt.- East Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, The Food and Consumer Protection Department, Bihar at Patna
2. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar at Patna
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar at Patna
4. The District Manager, The Bihar State Food and Civil Supplies Corporation, Sitamarhi, Distt.- Sitamarhi
5. The Certificate Officer, Sitamarhi, Distt.- Sitamarhi

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sumeet Kumar Singh, Adv.
For the Respondents	:	Mr. Maruthi Nath Roy, A.C. to S.C. 4
For the BSFC	:	Mr. Sanjeev Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-02-2020 After some arguments, the learned counsel for the petitioner seeks liberty to enable the petitioner to file objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914(for short 'the Act, 1914'), specially in light of the law laid down in a judgment rendered by the learned Division Bench of this Court in the case of Ram Nivas Sharma Vs The Food and Consumer Protection Department, reported in 2018 (4) PLJR 515 and seeks a direction upon the Certificate Officer, Sitamarhi in connection with certificate case No. 2 of 2016-17 to consider the objection of the petitioner and pass final orders



under Section 10 of the Act, 1914, especially considering the aforesaid judgment rendered in the case of Ram Nivas Sharma (supra).

The learned counsel for the respondents does not have any objection

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of with liberty to the petitioner to file objection under Section 9 of the Act, 1914, within a period of four weeks from today, whereupon the learned Certificate Officer, Sitamarhi shall consider the objection of the petitioner as also the judgment rendered by the learned Division Bench of this Court rendered in the case of Ram Nivas Sharma (supra) and pass final orders under Section 10 of the Act, 1914.

It is needless to state that till the passing of the final orders by the Certificate Officer, Sitamarhi no coercive steps shall be taken against the petitioner.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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