

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9755 of 2020

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Anil Pratap Singh, Son of Kedar Singh, Proprietor of M/s Muskan Mini Rice Mill, Pachpokhari, Kudra, Resident of Village- Pachpokhari, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna
2. The Food and Consumer Protection Department, through its the Principal Secretary Bihar, at Patna
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur
6. The District Certificate Officer, Kaimur, District- Kaimur
7. The Officer In-Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9616 of 2020

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Vinod Kumar Singh Son of Late Jagdish Narayan Singh Resident of Village- Barari, P.S.- Chand, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. The Food and Consumer Protection Department Through its the Principal Secretary, Bihar at Patna.
3. The Bihar State Food and Civil Supplies Corporation Through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
5. The District Manager Bihar State Food and Civil Supplies Corporation, District- Kaimur.
6. The District Certificate Officer Kaimur, District- Kaimur.



7. The Officer In- Charge Chand, P.S.- Chand, District- Kaimur (Bhabhua).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9683 of 2020

Ravindra Kumar Singh Son of Late Dhaneshwar Singh Proprietor of M/S Om Shiv Shakti Mini, Kudra, Resident of Village- Sakari, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. The Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna- 800001.
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna- 800001.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur.
6. The District Certificate Officer, Kaimur, District- Kaimur.
7. The Officer In-Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 9768 of 2020

Ram Kumar Singh Son of Shesh Nath Singh proprietor of M/s Bhole Shankar Mini Rice Mill, Resident of Village- dandori, P.o.- Dangri, P.s.- Kudra, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna
2. The Food and Consumer Protection Department, through its the Principal Secretary, Bihar at patna
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Patha, R-Block, Road No.-2, Patna-800001
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Patha, R-Block, Road



No.-2, Patna-800001

5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur
6. The District Certificate Officer, Kaimur, District- Kaimur
7. The Officer In-Charge, Kudra, P.S.- Kudra, District- Kaimur, (Bhabhua)

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 9875 of 2020

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Akhilesh Kumar Singh Son of Shivadhar Singh proprietor of M/s Radhe Radhe Rice Mill Resident of Village- Neoras, Newras, Ps.- Kudra, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna
2. The Food and Consumer Protection Department, through its the principal Secretary, Bihar at patna
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad path, R-Block, Road No.-2, Patna-800001
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad path, R-Block, Road No.-2, Patna-800001
5. The District Manager, Bihar State Food and Civil Supplies corporation, District- Kaimur
6. The District Certificate Officer, Kaimur, District- Kaimur
7. The Officer In-Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 9923 of 2020

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Anil Sah Son of Thakur Sah proprietor of Shivam Rice Mill, Resident of Village- Baghini Kala, P.s.- Mohania, District- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna
2. The Food and Consumer Protection Department, through its the Principal Secretary, Bihar at Patna
3. The Bihar State Food and Civil Supplies Corporation, The Bihar State Food



- and Civil Supplies Corporation, through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.-2, Patna-800001
 5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur
 6. The District Certificate Officer, Kaimur, District- Kaimur
 7. The Officer In-Charge Mohania, P.S.- Mohania, District- Kaimur (Bhabhua)

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5
		Mr. Arvind Ujjwal, SC-5
		Mr. Anisul Haque, AC to SC-5
For BSFC	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate
		Mr. Utkarsh Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 20-12-2021 Heard learned counsel for the parties.

It is admitted at the Bar that all these applications are squarely covered by a coordinate Bench decision of this Court dated 15.09.2021, rendered in CWJC No. 326 of 2021 (*Sarvajeet Kumar vs. State of Bihar & others*), operative portion of which reads thus :-

“Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court finds that



admittedly the District Certificate Officer, Kaimur at Bhabhua has neither given any clear, cogent or succinct reasons for arriving at a decision to reject the objection of the petitioner, filed under section 9 of the Act, 1914 nor the District Certificate Officer, Kaimur at Bhabhua appears to have applied his mind nor the impugned order dated 29.02.2020 shows any consideration of the objection of the petitioner, which is apparent on the very face of the impugned order dated 29.02.2020, hence, the same is not sustainable in the eyes of law, thus is quashed and the matter is remanded back to the District Certificate Officer, Kaimur at Bhabhua to pass appropriate orders in accordance with law, after consideration of the objection filed by the petitioner under section 9 of the Act, 1914. Reference in this connection be had to a decision of the Hon'ble Apex Court, rendered in the case of Oryx Fisheries Pvt. Ltd. vs. The Union of India & Ors. reported in (2010) 13 SCC 427.

The District Certificate Officer, Kaimur at Bhabhua is warned to be careful in future and not pass such type of unreasoned, illegal and non-est orders, failing which this Court may take appropriate action, in case such type of Orders are brought to the notice of this Court in future.”

In all these cases, similar order rejecting objection of



these petitioners under Section 9 of Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as ‘the Act’) in similar manner are under challenge.

Considering the aforesaid admitted facts, these application are allowed and the impugned orders rejecting objections of these petitioners under Section 9 of the Act are hereby quashed in same terms of this Court’s aforesaid order dated 15.09.2021. The matter is remanded to the District Certificate Officer, Kaimur at Bhabhua, accordingly, to pass appropriate orders in accordance with law, after due consideration of the objections filed by the petitioners under Section 9 of the Act.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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