

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8111 of 2020

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Sandeep Kumar Verma, male, aged about 35 years, Proprietor of Maa Cherawari Krishi Udyog, Son of Narayan Prasad Verma, Resident of Village-Masadhi, (Deohalia), P.S.-Ramgarh, 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 Nabaging 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 Food and Civil Supplies Corporation, District-Kaimur.
6. The District Certificate Officer, Kaimur, District-Kaimur.
7. The Officer In-charge, ramgarh, P.S.-Ramgarh, District-Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 25-10-2021

Heard learned counsel for the petitioner and learned counsel for the respondents. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner-



“1(I) That the present writ application is being filed in the nature of Certiorari for quashing the Certificate Case No. 21 of 2015-16 issued by the District Certificate Officer, Kaimur at Bhabua; on the ground that the certificate at Annexure-2/A and requisition at Annexure-P-2/B is without jurisdiction, violation of fundamental rights, without following the principles of natural justice, without the matter being decided by the independent body and does not fall under the ambit of Schedule-I of the Public Demand Recovery Act, 1914, the amount is disputed then the proceeding under the P.D.R. is not maintainable.

(II) That the present writ application is being filed in the nature of Certiorari for quashing the order dated 29.02.2020 passed by the District Certificate Officer, Kaimur at Bhabhua; on the ground that the order passed is without deciding the objection under Section 9 of the PDR Act and thus, it is a non speaking order;

(III) That the present writ application is being filed in the nature of Certiorari for quashing the bailable warrant issued against the petitioner dated 14.03.2020 issued by the district Certificate Officer, Kaimur at Bhabhua; on the ground that the warrant is within 30 days of the order dated 29.02.2020 which is against the basic guideline issued by the PDR Act, 1914 and also the entire action is without jurisdiction.

(IV) That the present writ application is being filed in the nature of Certiorari for quashing the Certificate Case No. 21 of 2015-16 issued by the District Certificate Officer, Kaimur at Bhabhua; on the ground that the B.S.F.C. has not paid the court fees as the Bihar and Orissa Public Demand Recovery Act, 1914, nor it is a Government, the issue is not decided by the certificate officer, Kaimur at Bhabhua.



(V). For any other relief/Reliefs for which the petitioner is entitled for.”

3. Learned counsel for the petitioner has made a short submission to assail the impugned order dated 29.02.2020 passed by the District Certificate Officer, Kaimur at Bhabhua (Annexure-P/4) to the effect that the said order is a completely non-speaking one as the petitioner's objection filed under Section 9 of the P.D.R. Act has been rejected without assigning any reasons whatsoever.

4. Learned counsel for the State as well as for the B.S.F.C. appear and have been heard.

5. Having heard the parties and on consideration of materials on record, this Court finds merit in the writ petition. A bare perusal of the impugned order discloses that the same is a cryptic and non-speaking one. The petitioner appears to have taken various pleas in his objection petition filed under Section 9 of the P.D.R. Act (Annexure-P/3), none of which has been discussed in the impugned order and not a single reason has been assigned why the contention of the petitioner was not acceptable. Such an order passed discloses lack of due application of mind and is in violation of principles of natural justice.

6. Accordingly, the impugned order dated 29.02.2020 (Annexure-P/4) cannot be sustained in law and is set aside with a direction to the District Certificate Officer, Kaimur at Bhabhua (Respondent no. 6) to pass orders afresh after grant of an opportunity



of hearing to the petitioner in accordance with law expeditiously and in any event preferably within a period of three months from the date of receipt/production of a copy of this judgment.

7. The writ application stands allowed to the extent indicated above.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.10.2021
Transmission Date	

