

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 326 of 2021

Sarvajeet Kumar son of Ramji Singh, Proprietor of M/s New Ankit Mini Rice Mill, Resident of Village- Bharkhar, P.S. Mohania, District Kaimur (Bhabua).

... .. 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 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.
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.
5. The District Manager, the 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 Petitioner



Summeet Kumar Singh, Adv.

For the Respondent-BSFC: Mr. Shailendra Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 15-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking quashing of the order dated 29.02.2020 passed by the District Certificate Officer, Kaimur at Bhabhua purportedly under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as “the Act, 1914”).

The Ld. Counsel for the petitioner Shri Sumeet Kumar Singh has made a short submission to the effect that a bare perusal of the impugned order dated 29.02.2020 would show that the order passed by the District Certificate Officer, Kaimur at Bhabhua is an unreasoned order and has not furnished clear, cogent or succinct reasons for arriving at a decision that the objection of the petitioner under Section 9 of the Act, 1914 is fit to be rejected and moreover, the same also smacks of non-consideration of the reply of the petitioner as well as non-application of mind.



The Ld. Counsel for the Respondent State Shri Upendra Pratap Singh, AC to SC-4, and the learned counsel appearing for the Respondent BSFC, Shri Shailendra Kumar Singh, are not in a position to defend the said order dated 29.02.2020.

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 un-reasoned, 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.

(Mohit Kumar Shah, J)

Tiwary/-

--	--	--	--

