

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1200 of 2021

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Raju Prasad, Proprietor of M/s ganesh Rice Mill, Son of Ramji sah Resident of Village-Jharkha, P.S. Jharkha, District Saran Chapra Mill at Village-Maksuspur, P.S. Khaira, District-Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar at Patna.
4. Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
5. District Manager, Bihar State Food and Civil Supplies Corporation, Saran District Saran at Chapra.
6. District Certificate Officer, Saran District Saran at Chapra.
7. The Officer In-charge, Jharkha, Police Station, P.S. Jharkha, District-Saran (Chapra).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Upendra Pratap Singh, AC to SC 4
For the BSFC	:	Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 23-12-2021 The present petition has been filed for setting aside the order dated 30.07.2020 passed in Certificate Case No. 11 of 2014-15 by the District Certificate Officer, Saran at Chapra by which bailable warrant has been issued against the petitioner.

At the outset, learned counsel for the parties have



jointly submitted that similar orders be passed in this case as has been passed by the learned Division Bench of this Court in a writ petition bearing CWJC No. 1418 of 2021 (Narendra Kumar Singh V. The State of Bihar & Ors.), decided on 29.11.2021.

We accordingly, dispose off the present petition in term of the order dated 29.11.2021 passed in CWJC No. 1418 of 2021 and grant liberty to the petitioner to raise all objections and place additional material by way of objection petition under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as the 'Act') before the learned Certificate Officer within four weeks from today whereupon the learned Certificate Officer shall decide the objection petition expeditiously, not later than three months thereafter.

Needless to add, the Certificate Officer shall pass an order assigning reasons which shall be communicated to the petitioner and, should the need so arise, it shall be open for the petitioner/parties to assail the same before an appropriate forum, in accordance with law.

Till the final order is passed by the learned Certificate Officer under Section 10 of the 1914 Act, no coercive action shall be taken against the petitioner.



The petition stands disposed off in the aforementioned terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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