

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6103 of 2020

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Ram Kumar Jha Son of late Kameshwar Jha, Resident of Village Siho,
Nawalpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary and Food and Consumer Protection Department, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer Cum Certificate Officer East Muzaffarpur, District- Muzaffarpur.
4. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Prakash Shrarma, Advocate
For the State	:	Mr. S. Raza Ahmad (AAG 5)
		Mr. Alok Ranjan, AC to AAG 5
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-11-2021 The petitioner has prayed for the following reliefs:

“I. For issuance of an appropriate writ in the nature of certiorari to quash the certificate proceeding initiated under certificate case no.567 of 2014-15 and the order dated 15.10.2019 passed in the same by the certificate officer cum sub divisional officer (east) Muzaffarpur



under section 10 of the Bihar And Orissa Public Demand Recovery Act 1914 (hereinafter referred to as "Act of 1914") as the certificate proceeding has been initiated for the recovery of amount which is disputed and has not been ascertained by any other competent civil forum so as to become recoverable under the Act of 1914, thus the certificate proceeding has been started without following the due procedure established by law, thus, being illegal and void initio and without jurisdiction.

II. For issuance of an appropriate writ in the nature of certiorari to hold and declare proceeding is without jurisdiction as neither form no.2 and certificate issued under section 7 has been filled in prescribed form nor satisfaction has been recorded in accordance with section 6 of the Act hence the proceeding is bad and illegal.

III. For issuance of an appropriate writ in the nature of certiorari to hold that only ascertained sum can be recovered under Act and not the un-adjudicated loss or damage hence proceeding initiated under the Act.

IV. For issuance of any other relief which the Hon'ble Court may deem fit and proper in the Acts and circumstances of the case."

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to the petitioner to initiate action in accordance with law, should the need so



arises.

Permission is granted.

The petition stands disposed of as withdrawn with liberty aforesaid.

Interlocutory application, if any, also stands disposed of.

(Sanjay Karol, CJ)

(P. B. Bajanthri, J)

Vikash/
Sujeet/-

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