

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8273 of 2021

Binod Kumar Son of Late Shambhu Mehta Resident of village- Jamhaur, P.S.-
Jamhaur, District- Aurangabad (Bihar)

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Food and Civil Supplies Department, Bihar, patna
2. The Managing Director, State Food and Civil Supplies Corporation, Bihar, patna
3. The District Certificate Officer, Aurangabad
4. The District Manager, Bihar State Food Corporation, Aurangabad

... .. Respondents

Appearance :

For the Petitioner : Mr. Satya Prakash
For the Respondent State: Mr. Arvind Ujjwal, SC-4
For the Respondent Corporation: Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 10-02-2022 This matter has been taken up for hearing on-line because of COVID-19 pandemic restrictions.

A certificate proceeding is admittedly pending against the petitioner under the provisions of Bihar and Orissa Public Demand Recovery Act, 1914, in relation to misappropriation of 4686.48 quintals of rice, which was stored in the godown owned by the petitioner. The petitioner has appeared in the certificate case and has filed his objection.

This writ application has been filed seeking direction



to the respondents to accept from the petitioner, equal quantity of rice in place of money sought to be recovered under the certificate proceeding.

Learned counsel appearing on behalf of the petitioner has submitted that he has filed a representation before the Managing Director, Bihar State Food and Civil Supplies Corporation, Patna, making request to accept rice of the same quantity allegedly misappropriated by the petitioner.

In the Court's opinion, the relief, which the petitioner is seeking, does not deserve to be entertained in a writ proceeding as, admittedly, the certificate case is still pending. The petitioner may either approach the authorities or take such plea as may be admissible to him before the Certificate Officer in accordance with law.

This application stands disposed of accordingly with the aforesaid observation.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Pawan/-

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