

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9583 of 2021

M/s Jugnu Mine Rice Mill Kewarhi, through its Proprietor, Md. Mustafa Ansari, aged about 43 years (Male), son of Md. Hasim Ansari, resident of Village-Keori, P.S.-Kudra and District-Kaimur (Bhavua).

... .. Petitioner

Versus

1. The State of Bihar through its Secretary, Food and Civil Supplier Department, Bihar, Patna.
2. District Magistrate, Kaimur (Bhabua).
3. Certificate Officer, Kaimur (Bhabua).
4. District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur (Bhabua).

... .. Respondents

Appearance :

For the Petitioner : Ms. Jahan Ara
For the Respondent State: Mr. U.P. Singh, AC to SC-4
For the Respondent Corporation: Mr. Shailendra Kumar Singh
Mr. Utkarsh Utpal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 02-03-2022 The petitioner has put to challenge an order dated 29.02.2020 passed by the Certificate Officer, Kaimur, Bhabhua, in Certificate Case No. 24/2015-16, whereby the petitioner's objection filed under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914, has been rejected. The sole ground for challenging the impugned order is that the same is non-speaking and does not disclose any consideration of the petitioner's objection filed under Section 9 of the Act.

Learned counsel representing the State of Bihar does



not oppose the said contention of the petitioner in the light of this Court's decision in case of *Sarvajeet Kumar vs. State of Bihar and others* dated 15.09.2021 in C.W.J.C. No. 326 of 2021. He fairly concedes that the impugned order is non-speaking and, therefore, this Court may, after setting aside the said order, remand the matter back to the District Certificate Officer, Kaimur at Bhabhua, for passing an order afresh.

Considering the submissions advanced at the Bar, this application is allowed.

The impugned order dated 29.02.2020 passed in Certificate Case No. 24/2015-16 (Annexure-1) is hereby quashed. The District Certificate Officer, Kaimur at Bhabhua is directed to pass an order afresh on the petitioner's objection under Section 9 of the Act in accordance with law after due consideration of the objection.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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