

Letters Patent Appeal No.407 of 2021

Civil Writ Jurisdiction Case No.15088 of 2016

... .. Appellant/s

1. The State of Bihar through its Principal Secretary, Food and Civil supply, Govt. of Bihar Patna.
2. The District Magistrate, Sheikhpura.
3. The Chairman Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Manager, State food Corporation, Lakhisarai/ Shekhpura.
5. The Certificate Officer, Sheikhpora.
6. The Assistant Go down Manager, Ariyari, Sheikhpura.

Appearance :

For the Appellant/s : Mr. Md. Irshad

For the Respondent/s : Mr. Alok Ranjan

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 28-06-2022 Heard Mr. Md. Irshad, the learned Advocate for the
appellant and Mr. Alok Ranjan, the learned Advocate for the
State.

By the order impugned dated 20.12.2016 passed in C.W.J.C. No.15088 of 2016, the learned Single Judge allowed the appellant to file his objection petition before the Certificate Officer under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 even when the proceedings were pending



for several years by then and also stayed the distress warrant dated 16.03.2016 as well as bailable warrants dated 21.03.2016, 05.04.2016, 18.04.2016 and 21.04.2016, subject to the appellant depositing 15 % of the certificate amount within a period of three months from the date of passing of the order (20.12.2016).

It was clarified by the learned Single Judge that if the appellant would fail to comply with the order, then the interim relief granted to him shall be treated to have been withdrawn. The Certificate Officer, Sheikhpura was further directed to decide the case within a period of three months from the date of deposit of the aforesaid amount by the appellant.

It is the case of appellant that because of his illness he could not deposit 15% of the certificate amount within the stipulated period and chose to challenge the aforesaid order only in the year 2021.

Considering such delay in the matter, we are not inclined to entertain this appeal.

The appellant would be well advised to approach the appropriate authority for the needful.

Since we do not find any fault with the order passed by the learned Single Judge, we find no justification for interfering with the same.



The appeal is dismissed but without any order as to costs.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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