

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.732 of 2021

Arjun Singh son of Ramdhari Singh proprietor of Shivam Rice Mill, Resident
of Village - Mohania G.T. Road, P.S. - Mohania, District- Kaimur (Bhabhua)
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. The Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna- 800001.
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation office at Khadya Bhawan, Daroga Prasad Path, R-Block, Road No. 2, Patna - 80001.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur.
6. The District Certificate Officer, Kaimur, District- Kaimur.
7. The Officer In-Charge, Mohania, P.s. - Mohania, District- Kaimur (Bhabhua).

... .. Respondents

Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh
For the Respondent State: Mr. Arvind Ujjwal, SC-4
For the Respondent BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 13-01-2022 Heard learned counsel for the parties.

It is admitted at the Bar that this application is squarely covered by a coordinate Bench decision of this Court dated 15.09.2021, rendered in CWJC No. 326 of 2021 (*Sarvajeet Kumar vs. State of Bihar & others*), operative



portion of which reads thus :-

“Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court finds that admittedly the District Certificate Officer, Kaimur at Bhabhua has neither given any clear, cogent or succinct reasons for arriving at a decision to reject the objection of the petitioner, filed under section 9 of the Act, 1914 nor the District Certificate Officer, Kaimur at Bhabhua appears to have applied his mind nor the impugned order dated 29.02.2020 shows any consideration of the objection of the petitioner, which is apparent on the very face of the impugned order dated 29.02.2020, hence, the same is not sustainable in the eyes of law, thus is quashed and the matter is remanded back to the District Certificate Officer, Kaimur at Bhabhua to pass appropriate orders in accordance with law, after consideration of the objection filed by the petitioner under section 9 of the Act, 1914. Reference in this connection be had to a decision of the Hon’ble Apex Court, rendered in the case of Oryx Fisheries Pvt. Ltd. vs. The Union of India & Ors. reported in (2010) 13 SCC 427.

The District Certificate Officer, Kaimur at Bhabhua is warned to be careful in future and not pass such type of unreasoned,



illegal and non-est orders, failing which this Court may take appropriate action, in case such type of Orders are brought to the notice of this Court in future.”

In this case, a similar order rejecting objection of the petitioner under Section 9 of Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as ‘the Act’) in similar manner is under challenge.

Considering the aforesaid admitted facts, this application is allowed and the impugned order rejecting objection of the petitioner under Section 9 of the Act is hereby quashed in same terms of this Court’s aforesaid order dated 15.09.2021. The matter is remanded to the District Certificate Officer, Kaimur at Bhabhua, accordingly, to pass appropriate orders in accordance with law, after due consideration of the objections filed by the petitioner under Section 9 of the Act.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

