

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16822 of 2021

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Md. Iftekhhar Alam, son of Late Anwarul Haque, resident of Village-Rajpur,
Police Station-Sabour, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, 5th Floor, Sone Bhawan, Veer Chand Patel Path, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The Joint Secretary, Food and Consumer Protection Department, Bihar, Patna.
5. The District Magistrate, Banka.
6. The Additional Collector, Banka.
7. The District Co-operative Officer, Banka.
8. The District Supply Officer, Banka.
9. The Assistant District Supply Officer, Banka.
10. The Sub Divisional Officer, Banka.
11. The S.H.O. Barahat Police Station, District-Banka.
12. The District Manager, State Food Corporation (Bihar State Food and Civil Supplies Corporation Ltd.), Banka.
13. The Block Development Officer, Barahat, District Banka.
14. The Certificate Officer, Banka cum Sub Divisional Officer, Banka.
15. The Certificate Officer Banka cum Sub Divisional Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Respondent/s : Mr. S Raza Ahmad (AAG-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“1. That petitioner is invoking the extraordinary writ jurisdiction of the Hon’ble Court for issuance of following writ/writs, order/orders, direction/directions:-

(ii) For issuance of writ in the nature of certiorari for quashing the Certificate Case No. 7/2016-17 registered before the Certificate Officer, Banka for so called recovery of Rs. 1,14,92,027/- from the petitioner who was posted as in-charge of the Purchase Center of Paddy Purchaser Center, Barahat for Financial Year, 2012-13.

(iii) For issuance of writ in the nature of Ceriorari to quash the order dated 30.07.2019 issued under the signature of Certificate Officer, Banka in Certificate Case No. 7/2016-17 which was issued in a very mechanical manner without providing any opportunity of hearing to the petitioner and without any service report of summon of notice.

(iv) For a direction to restrain the respondent authorities to take any primitive measure against the petitioner during pendency of the present writ petition.

(v) For any other relief/reliefs if petitioner found entitle in the facts and circumstances of the present case.”

A requisition for recovery of Rs. 1,14,92,027/- was made by the Bihar State Food and Civil Supplies Corporation to the Certificate Officer, for which notices were issued to

petitioner for his appearance and filing his reply. From the records, it is apparent that brother of the petitioner had received the notice but he did not appear before the Certificate Officer to contest the Certificate proceeding, as such, on the petition of the requisitioner i.e. Bihar State Food and Civil Corporation, warrant of arrest has been issued against the petitioner.

It is submitted on behalf of petitioner that he could not file objection under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 before the Certificate Officer, as such, he may be permitted to file a petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914.

In the facts and circumstances of the present case, petitioner is permitted to file an objection under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914, for which the petitioner shall appear before the Certificate Officer on **15th of July 2022**. Requisitionist Bihar State Food Corporation shall have liberty to file his reply to said objection filed by the petitioner and the Certificate Officer shall decide the petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 filed by the petitioner within two months thereafter.

It is made clear that if petitioner does not cooperate

in the Certificate Proceedings, the Certificate Officer shall be at liberty to proceed in the matter in accordance with law.

Till the objection petition of petitioner filed u/s 9 of the Act is not decided, no coercive action to be taken against petitioner.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	