

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18356 of 2021

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Raman Kumar Bhagat Son of Late Ramesh Chandra Bhagat Resident of
Village - Kolashi, P.O. and P.S. - Korha, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. District Magistrate, Katihar.
4. District Certificate Officer cum S.D.O., Katihar, District- Katihar.
5. Bihar State Food and Civil Supplies Corporation Ltd., through its Chairman, Patna.
6. District Manager, State Food Corporation, Katihar.
7. Food Corporation Of India, through its Chairman cum Managing Director, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal. SC-4
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 29-01-2022

Heard learned counsel for the parties.



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

- (a) For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari for quashing of the entire proceeding in Certificate Case No. 3 of 2013-14 initiated against the father of the petitioner by the learned District Certificate Officer, Katihar.
- (b) For issuance of an appropriate writ, order or direction including a writ in the nature of certiorari for quashing the notice dated 17. 9. 2021 issued by the learned District Certificate Officer, Katihar in Certificate Case No. 3 of 2013-14 by way of which an arbitrarily claim of Rs. 83,40,819/- has been made against the petitioner.
- (c) By an ad-interim order further proceeding in certificate case no. 3 of 2013-14 be stayed and/or the respondents be restrained from taking any co-ercive measure during the pendency of this writ application.
- (d) Any other relief or relief's which the petitioner be found entitled to be granted to him.

Shri Shailendra Kumar Singh, learned counsel for the respondents fairly states that in view of Death Certificate of Shri Ramesh Chandra Bhagat, proprietor of Sri Ram Mini Modern Rice Mill (Annexure- 9 Page No. 40), the impugned notice dated 17.09.2021 in Case No. 03/13-14 (Annexure-11 Page No. 52) needs to be quashed and set aside, for the same to have been issued against a dead person.

Ordered accordingly.

The impugned notice dated 17.09.2021 in Case No. 03/13-14 (Annexure-11 Page No. 52) stands quashed and set



aside reserving liberty to the respondents to initiate appropriate action against the legal heirs, in accordance with law.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

