

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21972 of 2019

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Ramanand Singh, son of late Shiv Narayan Singh, proprietor of M/S Narayan Ji Mini Rice Mill Plant, resident of Village Kaithna, P.O.- Indaur, P.S. Itari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. District Magistrate-cum- Collector, Buxar, District- Buxar.
3. District Manager, Bihar State Food and Civil Supplies Corporation, Buxar, District- Buxar.
4. L.R.D.C.-cum- District Certificate Officer, Buxar, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Gaurav Prakash, Advocate Mr. Satyendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5 Mr. Shailendra Kumar Singh, Advocate Mr. Siddharth Harsh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Heard learned counsel for the parties.

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

- i. That the present writ application is being filed in the nature of *Certiorari* for setting aside the order passed by the L.R.D.C.-cum-District Certificate Officer, Buxar dated 03.07.2017 passed in Certificate Case No. 10/2016-17; on the ground that the



- matter of the petitioner has been decided by the learned Arbitrator and the ex-parte proceeding cannot continue and thus no recovery proceeding can be made to the certificate case;
- ii. That the present writ application is being filed in the nature of Certiorari for setting aside the distress warrant issued in Certificate Case No. 10/2016-17 by the L.R.D.C.-cum-District Certificate Officer, Buxar by which distress warrant has been issued; on the ground that the Certificate proceeding is ex-parte proceeding and the dispute between the parties has been decided by the arbitrator and thus no recovery proceeding can be made to the certificate case.
- iii. For any other relief/Reliefs for which the petitioner is entitled for.

Learned counsel for the respondents fairly states that the impugned order dated 03.07.2017 (at one place even though word “17” has been written but is read as ‘14’), passed by the L.R.D.C.-cum-District Certificate Officer, Buxar in Certificate Case No. 10/2016-17 [Annexure-3, Page-21) and the consequential order dated 18.08.2017, passed by the L.R.D.C.-cum-District Certificate Officer, Buxar in Certificate Case No. 10/2016-17 [Annexure-4, Page-23], needs to be quashed and set aside for the reason



that petitioner was not afforded adequate opportunity of presenting his case which has led to violation of principles of natural justice entailing civil consequences, inasmuch as liability of Rs.1,16,11,468/- (one crore sixteen lacs eleven thousand four hundred sixty eight) stands fastened and in the consequential order steps for issuance of warrant of arrest taken.

As jointly prayed for, the instant petition stands disposed of in the following mutually agreeable terms:-

(a) The impugned order dated 03.07.2017, passed by the L.R.D.C.-cum-District Certificate Officer, Buxar in Certificate Case No. 10/2016-17 [Annexure-3, Page-21) and the consequential order dated 18.08.2017, passed by the L.R.D.C.-cum-District Certificate Officer, Buxar in Certificate Case No. 10/2016-17 [Annexure-4, Page-23] stand quashed and set aside;

(b) Petitioner shall appear before the authority concerned i.e. L.R.D.C.-cum-District Certificate Officer, Buxar on 9th of January, 2023 at 10:30 A.M.;

(c) The said officer shall decide the matter afresh by passing a reasoned and speaking order within a period of



four weeks thereafter;

(d) Petitioner undertakes to fully cooperate and not take any unnecessary adjournment in the proceedings;

(e) The order assigning reasons shall be communicated to the petitioner;

(f) Needless to add, while considering the case of the petitioner, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(g) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(h) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(i) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(j) Also, liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so



arise subsequently on the same and subsequent cause of action;

(k) We have not expressed any opinion on merits.

All issues of fact and law are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2023
Transmission Date	

