

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23420 of 2019

Ashutosh Kumar Son of Sri Prabhash Chandra Bosh, Resident of Bhagat Singh Colony Ward No. 24, Nand Lal Mishra Lane Surkhi Kal, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal 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 Chandra Patel Path, Patna.
3. The Joint Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
4. The Division Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Banka.
6. The District Agriculture Officer, Banka.
7. The District Co-operative Officer, Banka.
8. The District Supply Officer, Banka.
9. The Assistant District Supply Officer, Banka.
10. The Certificate Officer, Banka cum Sub Divisional Officer, Banka.
11. The Circle Officer Banka Police Station, District Banka.
12. The S.H.O. Banka Police Station, Banka.
13. The District Manager State Food Corporation (Bihar State Food and Civil Supplies Corporate Limited) Banka, District Banka.
14. The Block Co-Operative Officer Banka, District Banka.
15. The Block Supply Officer Banka, District Banka.
16. The Block Development Officer Banka, District Banka.
17. The Purchase Center Incharge Banka, District Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Advocate Mr. Indrajeet Jha, Advocate Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5 Mr. Bijay Kumar Sinha, A.C. to AAG-5 Mr. Shailendra Kumar Singh, Advocate Mr. Siddharth Harsh, Advocate

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



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2023

Heard learned counsel for the parties.

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

1. That this writ application is being filed on behalf of the petitioner for quashing the entire certificate proceedings as far as relates to the petitioner arising out of certificate case no. 03 of 2016-17 including the order dated 30.07.2019 by which objection of the petitioner has been rejected and warrant of arrest has been issued against the petitioner by the Certificate Officer, Banka respondent No.- 10. Without applying his judicial mind.

The impugned ten line order dated 30.07.2019 passed by Respondent No. 10, namely, the Certificate Officer, Banka cum Sub Divisional Officer, Banka in Certificate Case No. 03/16-17 (Annexure-4 series, Page-30) does not, in any manner, state the amount which is due and payable by the petitioner as a public demand. Also, what is the basis thereof is missing therein. In effect, it is a unreasoned order. Passing of the order entails both civil and penal consequences, for petitioner can be



arrested, apart from paying the amount as demanded by the department without adjudication by the Adjudicating Authority.

As such, on this short ground alone, we quash and set aside the impugned order dated 30.07.2019 passed by Respondent No. 10, namely, the Certificate Officer, Banka cum Sub Divisional Officer, Banka in Certificate Case No. 03/16-17 (Annexure-4 series, Page-30) with the following directions:-

(a) Petitioner shall appear before Respondent No. 10, namely, the Certificate Officer, Banka cum Sub Divisional Officer, Banka on 16th of January, 2023 at 10:30 A.M., on which date the said officer shall fix a date for hearing of the matter;

(b) Liberty reserved to the parties to place on record additional material(s) in support of their contentions;

(c) Petitioner shall fully cooperate in the proceedings;

(d) The said officer shall pass a fresh order assigning reasons within a period of four weeks thereafter, copy whereof be supplied to the petitioner;

(e). The officer concerned shall pass a reasoned and speaking order after complying with the principles of natural justice;

(f) All consequential orders shall also stand quashed;

(g) Liberty reserved to the petitioner to challenge the



order in accordance with law;

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	04.01.2023
Transmission Date	

