

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11103 of 2016

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Ravi Kant Chaturvedi son of late Indrajeet Chaubey Proprietor of M/s Annpurna Mini Rice Mill, resident of Village - Derwa, P.S. - Mohania, District - Kaimur, Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District Kaimur (Bhabhua)
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar, at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Kaimur Bhabhua, District Kaimur (Bhabhua)
4. The District Certificate Officer, Kaimur Bhabhua, District - Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Mr.Sc24- Sunil Kumar Mandal

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 29-10-2024

1. The petitioner has filed the instant application for the following reliefs:

“ I. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for quashing the certificate case no- 08 of 2014-2015 which has been initiated against the petitioner on the basis certificate which forms part of section -7 notice is contrary to the statutory rules of Public Demand Recovery Act, 1914



(herein after referred as "P.D.R.Act, 1914" for the sake of brevity) as it is blank at many column which is evident from the certificate and the requisition attached in Annexure-5, 5/A to this writ application thus amount to defective notice and defective initiation of the certificate case;

II. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for quashing the certificate case no-08 of 2014-2015 which has been initiated against the petitioner under section-7 of the Public demand recovery act by which it is asked to pay amount on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation, Kaimur(Bhabhua)(herein after referred as "B.S.F.C" for the sake of brevity) in serving the notice, without following the mandatory process which is in violation of the fundamental rights of the petitioner,

III. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the



nature of Certiorari for quashing the entire ordersheet including the order dated 9.04.2016 passed in certificate case no-08 of 2014-2015 which is the order for payment of money else warrant issued against the petitioner; on the ground that the same is without the proper certificate or requisition under the Public Demand Recovery Act, 1914 and thus the whole process is without jurisdiction;

IV. That the present writ application is being filed for the issuance of an appropriate writ order/direction(s) in the nature of Certiorari for quashing the certificate case no-08 of 2014-2015 which has been initiated against the petitioner, on the ground that the court fees has not been paid by the B.S.F.C while instituting the certificate case before the Certificate Officer, Kaimur(Bhabhua) and the limitation will apply in the present case;

V. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

2. At the outset, Learned counsel for



petitioner contended that since this matter is squarely covered under the order dated 24.08.2023 passed in **CWJC No. 11142 of 2016 (Amit Kumar Singh Versus The State of Bihar & Ors.)** passed by a Co-ordinate Bench of this Court, this Writ petition may also be disposed of on the same term and conditions.

3. Heard the learned counsel for the petitioner as well as the respondents.

4. In view of the fact that this matter is squarely covered by the aforesaid judgments, and having regard to the above made submission, the present Writ petition is disposed of with the direction to the petitioner to approach the concerned Certificate Officer and file his objection under Section 9 of the Bihar and Orissa Public Demands and Recovery Act, 1914 along with the petition to condone the delay in filing the objection within a period of two weeks from the date of receipt of this order. If any application is filed, the concerned authorities shall consider the same in accordance with law and pass necessary order.



5. With the aforesaid observations, this Writ petition stands disposed of in light of the judgment passed in Amit Kumar Singh (**supra**).

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	

