

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5422 of 2016

Sanjeev Kumar S/o Ramjatan Prasad, Prop. M/s Nirmal Rice Mill Registered
office at Bari Pahari, P.S. Agamkuan, Di

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar State Food and Civil Supply Corporation,
Sone Bhawan, Patna
3. The District Collector, District - Patna
4. The Sub Divisional Officer - Cum - Certificate officer, Patna City, District -
Patna
5. The District Manager, Bihar State Food Civil Supply Corporation, District -
Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv.
For the Respondent/s : Mr. Mankeshwar Tiwari, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

12 08-02-2024

Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

“i) To issue appropriate writ to quash the Certificate issued u/s 7 of the Bihar Public Demand and Recovery Act (hereinafter referred to as the act) dated 01.03.2016 as the certificate issued by the Certificate Officer is against the provision of Section 3(6) readwith Section 1 of the Act.

ii) To hold and declare that the proceeding initiated under the Act is wholly illegal and without jurisdiction as the requisition has



been file without paying Court fee and the proceeding has been initiated without following the provision of Sub-Section 2 of Section 5 therefore, the proceeding is illegal and void ab-initio.

iii) To hold and declare that the demand in question is not public demand as such is not recoverable under the PDR Act ”.

3. Learned counsel appearing on behalf of the petitioner has stated that he has no instructions as to whether the petitioner has filed his objections or not and in case the objections are not filed, he may be permitted to appear before the Certificate Officer and file his objections under Section 9 of the Bihar and Orissa Public Demands and Recovery Act,1914.

4. Having regard to the above made submission, the present writ petition is disposed of with the direction to the petitioner to approach the 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. It is needless to mention that before passing any



order, the authorities concerned shall give an opportunity of hearing to the petitioner. Copy of the order passed shall be communicated to the parties.

6. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.

(A. Abhishek Reddy , J)

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