

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8646 of 2016

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Ranveer Prasad Singh @ Ranveer Singh S/o Anirudh Pd. singh resident of
Village- Gulni, P.O.- Gulni Kushaha, P.S.- Shambhuganj, District- Banka.
... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Certificate Officer, Banka.
3. The Secretary, Agricultural Produce Marketing Committee, Barahat, District- Banka.
4. Sub-Divisional Officer-cum-Special Certificate Officer of Agricultural Produce Market Samittee, Bara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Karn
For the Respondent/s : Mr.Ashok Kr. Keshri- Aag11

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

9 09-04-2024 The petitioner has filed the writ petition for quashing the order of the Certificate Officer, Banka for re-opening the certificate case for recovery of interest upon the interest, (Compound Interest) as per the order dated 22.01.2016/30.01.2016 for an amount of Rs. 88922.32, in the Certificate Case No. 01 of 1992-93, and further to direct the respondents not to take coercive action against the petitioner till disposal of the present case.

2. The brief facts of the case is that the petitioner has taken Bids of collection of Agriculture Market fee of Belhar Bazar, Banka in the year 1991-92, for consideration money of Rs. 50,000/- and the petitioner was the higher bidder.

3. The petitioner deposited the total amount of Rs. 51891/- of the Market Agriculture fee, after collection of the



year 1991-92, in the Sub-Divisional Nazarat, Banka and demanded commission for the collection i.e. 15 per cent of the total amount Rs. 7500/- as on 19.01.2013. Further the petitioner also deposited Agricultural Market fee of Rs. 20,125.57 in the Sub-Divisional Nazarat, Banka for the year 1987-88, and filed application on 19.11.2013 to the Sub-Divisional Officer-cum-Special Certificate Officer of agriculture Produce Market Samiti, Barahat, Banka. On 18.09.2013, a notice was issued against the petitioner by the Certificate Officer to deposit an amount of Rs. 25082.50 in connection with certificate case filed by Bazar Samiti, Banka on 15.10.2012. Again on 16.01.2014, a reminder notice was issued to the petitioner for depositing amount Rs. 25082.50 in the certificate case No. 01 of 1992-93. The entire Certificate amount was deposited by the petitioner, inspite of that he received a notice for the payment of interest of the principal amount.

4. It is the contention of the learned counsel for the petitioner that the respondents are demanding interest over interest which is arbitrary and illegal in nature and, therefore, does not fall under the purview of the public demand as per Section 3(6) of the Act and, therefore, prayed to quash the proceedings of the order dated 22.01.2016 and 30.01.2016.



5. A detailed counter affidavit has been filed by the respondent nos. 1, 2 and 4. The counter affidavit fairly discloses that on perusal of the order-sheets in certificate case No. 01 of 1992-93, it appears that order dated 15.10.2012, in compliance of warrant issued against the petitioner, he was arrested and was produced before respondent No. 4 and the petitioner reported that he was ready to deposit the amount of Rs. 25083/-, the same amount was deposited by him and the petitioner was released from police custody. The counter affidavit further reveals that the petitioner has already deposited an outstanding amount of Rs. 25083/- and accordingly the 2nd Respondent has closed the proceedings of the certificate case No. 1 of 1992-93, on 02.11.2022.

6. It is the contention of the learned counsel for the respondent that in lieu of the laws of certificate case itself, there is no necessity to pursue the case and, therefore, prayed to close the writ petition.

7. Heard the learned counsel for the petitioner as well as learned counsel for the respondent i.e. 03, it is evident from the counter affidavit that the petitioner has challenged the order dated 22.01.2016 and 31.01.2016 passed by the certificate Officer, Banka for reopening of the certificate case for recovery



of interest upon interest for Rs. 88992.32 in certificate case No. 01 of 1992-93. On perusal of the counter affidavit, it is evident that the certificate case No. 01 of 1992-93 was closed on 02.11.2022, that is subsequent to the demand made by the Respondent dated 22.01.2016/31.01.2016 of the Certificate Officer, Banka re-opening the certificate case for recovery of amount of Rs. 88992.32/-. If the certificate case itself is closed, there is no further necessity to proceed with the matter and, therefore, recording the same that the certificate case is closed, the petitioner need not pay any amount to the respondents as demanded by order dated 22.01.2016 and 31.01.2016 passed by the Certificate Officer in Certificate Case No. 01 of 1992-93.

8. With the aforesaid observations, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

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