

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13267 of 2017

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Ram Kumar Singh Son of Sheshnath Singh, Resident of Village- Dandori,
Police Station- Kudra, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretery of Bihar State Food and Civil Supply Department, Bihar, Patna
2. The District Magistrate, Kaimur at Bhabua.
3. The Director- cum- Certificate Officer, Kaimur at Bhabua.
4. The District Manager, State Food Corporation, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Singh, Advocate
For the State	:	Mr. Sanjay Parasmani, AC to GP 4
For the BSFC	:	M/s Shailendra Kumar Singh Utkarsha Utpal, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-05-2025

1. The petitioner has filed the Writ
petition for the following reliefs:

*“a) For quashing the
Certificate Case No. 34 of 2015-16
running in the Court of Certificate
Officer, Kaimur against the petitioner for
recovery of a of sum Rs. 3,18,74,281.60
(Three Crore Eighteen Lacs Seventy
Thousands Four Two Hundred Eighty
One Rupees and Sixty Paisa only)
alleging therein that the petitioner has
taken 20,000/- (Twenty Thousands)
quintals of paddy State Food*



Corporation, from Kaimur for milling and the petitioner had to hand over 13,400 quintals of C.M.R. (rice) to the B.S.F.C. whereas he has deposited only 540 quintals of rice and 12860 quintals of rice was left with the petitioner costing to amount of Rs. 3,18,74,281.60/-.

(b) For quashing the notice-cum-letter no. 531 dated 18.03.2017 (contained in Annexure- 4) issued by the Respondent No. 5 whereby the petitioner has been asked to deposit a bank guarantee equivalent to Rs.3,18,74,281.60 (Three Crore Eighteen Lacs Seventy Four Thousands Two Hundred Eighty one Rupees and Paise Sixty only) by 28.03.2017 in the District Office of State Corporation, Food Kaimur (Bhabua) holding that Bank security has not been deposited by the petitioner whereas the security money has already deposited as per agreement.

(c) To pass any such other order or orders as the Hon'ble Court may be deem just and proper in the facts and circumstances of the case.

2. At the outset, the Learned counsel for



the petitioner seeks indulgence of this Court to grant liberty to file the objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner.

3. The Learned counsel for the respondents reported that he has no objection, if a direction is given to the respondent No. 5 to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

4. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of granting liberty to the petitioner to file his objections under Section 9 before the Respondent No. 5 within a period of four weeks from today. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

5. It is needless to mention that before passing any order, the authority concerned shall



give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of filing of the objections by the petitioner.

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.

7. With the aforesaid observation this Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	

