

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10016 of 2015

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Hari Shankar Prasad, son of Jagarnath Prasad, Proprietor of Shivam Rice Mill, Baja Tola (Baja Tola) P.S.- Paharpur, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. Collector, District- Sitamarhi.
3. District Certificate Officer, Sitamarhi.
4. District Manager, Bihar State Food and Civil Supply Corporation (B.S.F.C.) Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Uma Shankar Verma,
Mr. Binod Kumar Mishra, Advocates

For the Respondents : Mr. S.K. JHA- GP3

For the BSFC : Mr. Rama Shankar Pradhan, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2015

As prayed, learned counsel for the petitioner is permitted to make correction of the date mentioned as “16.07.2015” in place of “08.07.2015” in the third line of paragraph 1 of I.A. No. 6993 of 2015 in course of the day.

2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent-Bihar State Food Corporation.

3. The present writ petition has been filed for quashing the letter no. 582 dated 05.07.2014 issued by District Manager, Food Corporation of India, Sitamarhi (hereinafter referred to as SFC) by which the SFC has raised a demand of Rs. 5,34,51,326.42 on account

of price of rice and further to direct the respondent to lift the paddy/rice stored in the godown of the petitioner within reasonable period

4. Interlocutory Application No. 6993 of 2015 has been filed for quashing the order of the Certificate Officer dated 08.07.2015 passed in Certificate Case No. 24/2014-15 by which the petitioner's objection under Section 9 of the PDR Act has been rejected. The Interlocutory application is allowed.

5. The limited issued raised on behalf of the petitioner is with regard to the manner of rejection of his petition under Section 9 of the PDR Act. The same has been rejected without assigning a single reason whatsoever for not accepting the case of the petitioner, which does not meet the requirement of Section 10 of the Act.

6. The immediate concern of the petitioner is that the warrant of arrest has been issued against him in connection with the dues shown in the notice under Section 7 of the Act at Rs. 5,34,51,326.42 without however passing a valid order disposing of his objection petition under Section 9 of the Act as aforesaid.

7. The impugned order dated 08.07.2015 passed by the Certificate Officer rejecting the petition under Section 9 of the Act without assigning reasons cannot be held to be valid or in accordance with the requirements of Section 10 of the Act.

8. Accordingly and with the consent of the parties, the order dated 30.05.2015 passed by the Certificate Officer in Certificate Case No. 24/2014-15 is hereby set aside with a direction to pass orders afresh in accordance with law giving reasons while disposing of the petition under Section 9 of the Act.

9. It is made clear that until such disposal of the petition, the Certificate Officer, Sitamarhi, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 24/2014-15.

(Vikash Jain, J)

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