

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13968 of 2015

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Anand Kumar Singh, Proprietor, M/S Bhole Shankar Rice Mill, S/o Sri Bharat Singh R/o Village - Balihari, P.O. - Luka, P.S. - Pouthu, District - Aurangabad (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna - 1.
3. The District Manager, Bihar State Food Corporation Ltd., Aurangabad (Bihar).
4. The Branch Manager, Bihar State Food Corporation Ltd. (Supply), District - Aurangabad (Bihar).
5. In-charge , Paddy Crop Purchase Centre, Rafiganj, District - Aurangabad (Bihar).
6. The District Certificate Officer, Aurangabad (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Lal Bahadur Singh, Advocate
For the B.S.F.C. : Mr. R.S.Pradhan, Sr. Advocate
Mr. Jainendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-12-2015

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 84 of 2014-15 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 53,52,528/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection

with the dues amounting to Rs. 53,52,528/- recoverable in terms off the notice dated 24.03.2015 issued by the District Certificate Officer, Aurangabad in Certificate Case No. 84 of 2014-15.

4. It is submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued. It is further submitted that the petitioner has already deposited a sum of Rs.2,00,000/- by way of 20% of the remaining dues as directed by this Court in Cr. Misc. No. 25567 of 2015.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Aurangabad to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such objection petition, the Certificate Officer, Aurangabad, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 84 of 2014-15.

(Vikash Jain, J)

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