

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5365 of 2015

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Rita Devi, Wife of Sri Arunjay Kumar Gautam, R/o Village- Gaini, P.O.-
Gaini, P.S.-Khudwan, District-Aurangabad,

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Aurangabad,
2. The District Magistrate, Aurangabad,
3. The Certificate Officer, Aurangabad,
4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd
Aurangabad,

.... Respondents

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Appearance :

For the Petitioner : M/s Dinu Kumar, Shiw Kumar Prabhakar,
Rajesh Kumar Singh and
Mayank Kumar, Advocates

For the Staqte : Mr. Rakesh Ambastha, AC to AAG15
For the SBFC: Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 29-04-2015 Heard the parties.

Learned counsel appearing on behalf of the petitioner submits that though he has filed objection under section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914(hereinafter to be referred to as “the Act”) which would be apparent from the order dated 06.01.2015 passed by the Certificate Officer, Aurangabad after which he has put up the matter for hearing but, surprisingly, on 27.01.2015 he has recorded that neither the petitioner, i.e., the certificate debtor, has appeared nor has filed objection under section 9 of the Act, therefore, distress warrant has been issued against him.

In view of the aforementioned facts and circumstances of

the case, this writ application is being disposed of directing the respondent no. 3 to dispose of the objection filed by the petitioner considering the same to have been filed under section 9 of the Act on its own merit and in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, the distress warrant issued against the petitioner stands quashed.

However, if the petitioner's objection is rejected by a reasoned order then the Certificate Officer would be at liberty to proceed further for recovery of the certificate amount along with interest etc. in accordance with law. If the petitioner does not cooperate and does not appear on the date fixed then he would be at liberty to proceed and take a decision on his objection in accordance with law.

(Dr. Ravi Ranjan, J)

SC/-

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