

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4464 of 2015

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1. Ashok Purbe son of Late Banwari Purbe proprietor M/s Ganpati Rice Mills (rudpoi) resident of village - Karsop P.O. Shambhuganj, P.S. Shambhuganj, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate Banka.
3. The Block Development Officer Banka.
4. The Officer Incharge Shambhuganj, District - Banka.
5. District Manager, Bihar State Food and Civil Supplies Corporation Ltd. District Office Banka.
6. The Chairman Bihar State Food and Civil Supplies Corporation Ltd. Patna, Bihar.
7. District Certificate Officer, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma

Mr. Atul Kumar

For the Respondent/s : Mr. SC8 KUMAR ALOK

Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 24-07-2015

Heard the Counsel for the petitioner, Mr. Shailendra Kumar Singh for the Corporation and the Counsel for the State.

The petitioner owns a Rice Mill. He defaults in delivering the Customed Meal Rice (CMR) against the paddy which was supplied to the petitioner by the respondent B.S.F.C. It appears the aforesaid misconduct on the part of the petitioner was treated as a criminal act and accordingly, F.I.R. was lodged and proceeding under Public Demand Recovery Act was also initiated. In such circumstances, the



business premises of the petitioner appears to have been sealed by the District Administration. The petitioner approached the respondent with certain proposal. The respondents immediately acted thereon and by a communication dated 16.12.2013 directed for unsealing of the business premises of the petitioner on signing agreement between the petitioner and the respondent for payment of the outstanding dues. The petitioner having made that offer did not respond. In this backdrop, the business premises of the petitioner is said to be under seal/seizure. The present writ petition has been filed with a prayer that the respondents be directed to immediately unseal/unlock the business premises of the petitioner and hand over the same to the petitioner.

Mr. Singh points out that subsequent thereto, the petitioner approached the respondent District Manager with proposal to write off the dues in installments. A sum of Rs. 2 lakhs was also deposited. Counsel for the petitioner, in course of argument, has not disputed the contention of the respondent and has undertaken to clear the outstanding dues against the petitioner in installments in the sum of Rs. 2 lakhs every month. For the month of July, 2015, he shall be depositing the amount of Rs. 2 lakhs.

No sooner the petitioner deposits a sum of Rs. 2 lakhs as undertaken before this Court, the respondent shall immediately/forthwith unseal/unlock the business premises of the

petitioner and hand over possession thereof. In case the petitioner defaults in payment of the installments, it will be open to the respondent authorities to take penal action according to law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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