

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8504 of 2015

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Pankaj Kumar, son of Narendra Kumar Singh, Prop. of M/s Maa Durga Rice Mill,
R/o Village Urdina, P.S. Barun, District Aurangabad

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food Corporation, Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Certificate Officer, Aurangabad.
5. The District Manager, Bihar State Food Corporation, Aurangabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash Singh, Advocate
For the Respondents : Mr. Yogendra Pd. Sinha, AAG 15
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-08-2015

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

2. It is submitted on behalf of the petitioner that the
entire proceedings in Certificate Case No. 22 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.1,19,44,971/- 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.1,19,44,971/- recoverable in terms of the notice dated 29.08.2014 issued by the Certificate Officer, Aurangabad in Certificate Case No. 22 of 2014-15.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 22 of 2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

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