

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9263 of 2015

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1. Arun Kumar Singh, Son of Jagdish Singh, resident of village- Khaira, P.S. Baroon Dist- Aurangabad.
 2. Naresh Prasad Singh Son of Late Ram Pravesh Singh, resident of village- Karanbigaha P.S. Mehandia District- Arwal at present residing at behind Keshav College, P.S.- Baroon, Dis- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District Aurangabad.
2. The District Magistrate District Aurangabad
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited Aurangabad, District- Aurangabad.
5. The Food Corporation of India, Divisional Manager, Gaya Division, District- Gaya.
6. The Store-in-charge, State Food Corporation, Barun-1, P.S. Barun, District Aurangabad.
7. The Certificate Officer, Dis- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Anshuman Singh- GP24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

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

2. It is submitted on behalf of the petitioners that the entire proceedings in Certificate Case Nos. 47/2014-15 and 4/2014-15 against the petitioners 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. 48,00,603/- and Rs. 24,69,185/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioners in this case is that a warrant of arrest has been issued against them in connection with the dues amounting to Rs. 48,00,603/- and Rs. 24,69,185/- recoverable in terms of the notice dated 29.08.2014 issued by the Certificate Officer, Aurangabad in

Certificate Case Nos. 47/2014-15 and 04/2014-15..

4. It is further 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.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioners to file their 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 petitioners in Certificate Case No. 47/2014-15 and 04/2014-15.

(Vikash Jain, J)

Md. Ibrarul/-

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