

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8770 of 2015

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Sheo Kumar Sharma, Proprietor M/s Shiv Shakti Rice Mill, Son of Dina Nath Sharma resident of village - Ayira, Police Station Shakurabad, District - Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The Bihar State Food & Civil Supplies Corporation Ltd., Birchand Patel Path, Patna through the Managing Director
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Birchand Patel Path, Patna
4. The District Certificate Officer, Jehanabad
5. The District Manager, Bihar State Food Corporation, Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the BSFC Mr. A.N. Rai, Advocate
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2015

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 14 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.95,63,963.00 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. 95,63,963.00 recoverable in terms of the notice dated

01.08.2014 issued by the Certificate Officer, Jehanabad in Certificate Case No. 14 of 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 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, Jehanabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 14 of 2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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