

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9739 of 2015

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Jitendra Sharma, son of Awadh Kishore Sharma, Proprietor of M/S Jitendra Rice Mill, Raxaul, resident of village-Laxmipur, P.S.-Raxaul, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. Collector, District - Sitamarhi
3. District Certificate Officer, Sitamarhi.
4. District Manager, Bihar State Food and Civil Supply Corporation (B.S.F.C.) Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh,
Mr. Binod Kumar Mishra, Advocates
For the State : Mr. Uday Shankar Sharan Singh- GP1
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-12-2015

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

2. The present writ petition has been filed for quashing the entire proceeding of Certificate Case No. 10/2014-2015 initiated under the P.D.R. Act as being illegal and without jurisdiction.

3. It is submitted on behalf of the petitioner that an objection petition under Section 9 of the Act dated 25.09.2014 was filed before the Certificate Officer which has since been disposed of by order dated 10.06.2015 but however without having regard to the petitioner's submission that he was prepared to make payment of the outstanding amount in instalments. The warrant of arrest has been

issued in oversight the aforesaid stand of the petitioner.

4. Learned counsel for the respondent Corporation fairly submits that there can be no objection to the matter being resolved on payment of the entire dues by the petitioner within a reasonable time.

5. Having regard to the stand of the parties and in the interest of justice, the writ petition is disposed of granting liberty to the petitioner to approach the Certificate Officer for fixation of reasonable instalments for payment of the outstanding dues after giving credit for any amounts having already been paid by the petitioner. If the petitioner approaches the Certificate Officer within a period of two weeks from today, the Certificate Officer shall make a final calculation of the remaining amount due from the petitioner and consider the matter of fixation of reasonable instalments for payment thereof by the petitioner in accordance with law and after grant of opportunity to the petitioner on this behalf.

6. It is made clear that until such disposal of the petition, the Certificate Officer, Sitamarhi shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 10/2014-2015.

(Vikash Jain, J)

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