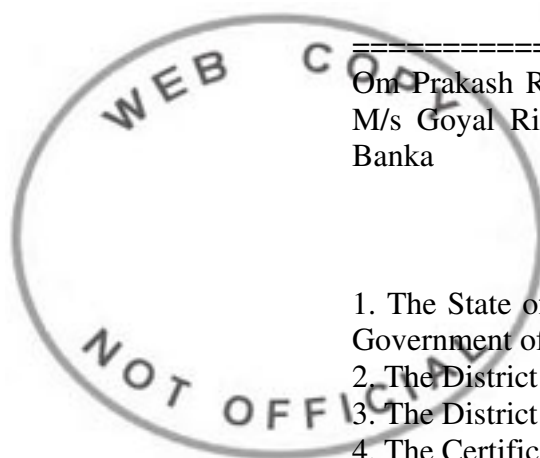




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9878 of 2015

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Om Prakash Rajgaria S/o Late Radhe Shyam Rajgaria, Proprietor/ Mill owner of
M/s Goyal Rice Mill, Resident of Mohalla- Shastri Chok, P.S- Banka District-
Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies Department,
Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Manager, State Food Corporation Banka.
4. The Certificate Officer, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Ram Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. R.k. Priyadarshi, SC-32

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 07-08-2015

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. 20/2014-15 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. 38,86,487/- 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. 38,86,487/- recoverable in terms of the notice dated
06.05.2014 issued by the District Certificate Officer, Banka in Certificate
Case No. 20/2014-15.

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, Banka, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 20/2014-2015.

(Vikash Jain, J)

Md. Ibrarul/-

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