

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12982 of 2015

M/s Ram Janki Modern Rice Mill, Basopatti, Madhubani through its Proprietor, Purushottam Narayan Thakur, S/o Late Priyabrat Thakur, Resident of Village-Sundarpur, P.S. Basopatti, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Madhubani.
2. The Bihar State Food and Civil Supplies Corporation Limited, Patna through its Managing Director.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Madhubani.
4. The Gowdown Manager, Bihar State Food & Civil Supplies Corporation Limited, Basopatti, Madhubani.
5. The District Certificate Officer, Madhubani.

.... Respondents

Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Advocate
For the Respondents : Mr. Anjani Kumar- AAG6
Mr. Sanjay Prasad, AC to AAG 6
For the BSFC : Mr. R.S. Pradhan, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2015

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 10/2014-15 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. 4,17,58,025.18 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. 4,17,58,025.18 recoverable in terms of the notice dated 16.01.2015 issued by the District Certificate Officer, Madhubani in Certificate Case No. 10/2014-15.

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 with a direction to the Certificate Officer, Madhubani to consider and dispose of the petition filed by the petitioner under Section 9 of the Act on its own merit and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, the Certificate Officer, Madhubani, shall not resort to any coercive action for recovery in Certificate Case No. 10 of 2014-15.

(Vikash Jain, J)

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