

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13205 of 2015

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M/s Vivek Rice Mill, Pathraitha, Police Station Ariyari, Sheikhpura through its Proprietor Sri Vivek Kumar, son of Sri Vinod Yadav, resident of village Mukdumpur, Police Station Sheikhpura, District Sheikhpura.

.... Petitioner

Versus

1. The Bihar State Food & Civil Supplies Corporation through its Managing Director, Sone Bhawan, Patna, Bihar.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Patna, Bihar.
3. The Chief of Finance, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Patna, Bihar.
4. The District Manager, State Food Corporation, Sheikhpura.
5. The District Manager, State Food Corporation, Lakhisarai.
6. The District Magistrate, Sheikhpura.
7. The District Certificate Officer, Sheikhpura.
8. The Officer-in-charge, Ariari Police Station, Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Singh, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Rajesh Kumar, GP 19
		Mr. Sanjay Kumar, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-09-2015

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

2. The present writ petition has been filed for quashing the certificate proceedings initiated under the Bihar and Orissa Public Demands Recovery Act (for short, "the Act") against the petitioner in Certificate Case No. 111 of 2014-15, pending before the Certificate Officer, Sheikhpura and for connected reliefs.

3. The immediate concern of petitioner in this case is that warrant of arrest has been issued against him in connection with recovery of alleged dues amounted to Rs. 1,22,80,591/-

4. It is submitted on behalf of the petitioner that warrant of arrest had been issued against the petitioner without so much as issuance of notice under Section 7 of the Act, thus rendering the entire proceeding unsustainable as being in violation of Section 14 of the Act.

5. In that view of the matter and with consent of the parties, the present writ petition is disposed of with liberty to the Certificate Officer, Sheikhpura to issue the notice mandated under Section 7 of the Act before proceeding for recovery of the alleged dues against the petitioner, in accordance with law.

6. In the meantime, the Certificate Officer, Sheikhpura shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 111 of 2014-15.

(Vikash Jain, J)

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