

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14346 of 2015

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Narad Yadav, son of Late Beera Yadav, Proprietor, M/s Jai Maa Durga Rice Mill,
resident of Ahirolia, P.O. & P.S. Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna, through its Managing Director.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, East Champaran, Motihari.
5. The Collector-cum-District Magistrate, East Champaran, Motihari.
6. The District Certificate Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate.

For the Respondent/s : Mr. Arbind Kumar No. II, SC-17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-10-2015

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. 40 (Food)/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. 1,64,70,332/- 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. 1,64,70,332/- recoverable in terms of the notice dated 14.08.2014 issued by the District Certificate Officer, East Champaran, Motihari in Certificate Case No. 40 (Food)/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. It is also submitted that the petitioner has already made payment of entire admitted dues amounting to Rs. 26,85,618.23 but denies liability with regard to the remaining amount and in respect of which the Certificate Officer has required a response from the respondent Corporation.

5. In the above view of the matter and with consent of the parties, the present writ petition is disposed of with a direction to the Certificate Officer, East Champaran, Motihari to take into consideration the reply of the respondent Corporation with regard to the remaining dues said to be owing from the petitioner and pass a speaking order on merits of the matter, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such

objection petition, the Certificate Officer, East Champaran, Motihari, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 40 (Food)/2014-15.

(Vikash Jain, J)

Md. Ibrarul/-

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