

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17895 of 2015

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1. M/s Narayana Rice Mill, through its Proprietor Annapurna Kumari, wife of Rajesh, resident of Village- Dumrawan, P.S.- Pakribarawan, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Patna, Bihar.
3. The Collector, District- Nawada.
4. The District Manager, Bihar State of Food and Civil Supplies Corporation Ltd. Nawada, District-Nawada.
5. The Certificate Officer Nawada District-Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the State : Mr. Rakesh Kumar Ranjan, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-12-2015

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. 4 of 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. 2,19,28,319/- are wholly illegal and liable to be quashed.

3. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but has not yet been disposed.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Nawada to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, 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, Nawada, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 04 of 2014-15.

(Vikash Jain, J)

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