

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3045 of 2014

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Jainendra Kumar Prabhat Son Of Late Shivnandan Pd. Vill.- Mohanpur Tola,
Khundelpur, P.S.- Imamganj, Dist.- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate Cum Collector, Dist.- Aurangabad
3. The Dist. Supply Officer, Aurangabad
4. The District Manager Food And Civil Supply Corporation, Aurangabad
5. The District Certificate Officer Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ANIL KR SINGH NO. 6

For the Respondent/s : Mr. SC23- KUMAR PRIYA RANJAN

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-12-2015

1. Heard the parties.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 19/13-14 dated 27.07.2013 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. 2,34,507/- 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 without disposing of the same, the warrant of arrest has been issued.

4. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Aurangabad 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.

5. It is made clear that until disposal of such objection petition, the Certificate Officer, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 19/13-14.

(Vikash Jain, J)

Prakash/-

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