

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17413 of 2015

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Jayanti Devi @ Jaymanti Devi, wife of Late Mahendra Singh, resident of village -
Dariyapur, P.O. Bhaiswan, P.S. Masaurhi, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Food & Consumer Protection Department, Government of Bihar, Patna
3. The Managing Director, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna
4. The District Magistrate, Patna
5. The Additional District Magistrate (Supply), Patna
6. The Certificate Officer-cum-Sub Divisional Officer/Magistrate, Masaurhi, Patna
7. The Executive Magistrate, Masaurhi, District - Patna
8. Anchal Adhikari, Masaurhi, District - Patna
9. Block Agriculture Officer, Masaurhi, District - Patna
10. The Block Co-Operative Extension Officer-cum-In Charge of Paddy Procurement Center, Dhanarua Block, Masaurhi, District - Patna
11. The Block Agriculture Officer-cum-In-Charge of Paddy Procurement Center, Punpun Block, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Satish Chandra Mishra, Advocate
For the State : Mr. Sushil Kr. Singh, AC to SC 23
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-11-2015

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. 03/2013-14 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. 84,57,152 + 500/- 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. 84,57,152 + 500/- recoverable in terms of the notice dated 05.12.2014 issued by the Certificate Officer, Masaurhi in Certificate Case No. No. 03/2013-14.

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 direction to the Certificate Officer, Masaurhi, Patna 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, Masaurhi, Patna, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 03/2013-14.

(Vikash Jain, J)

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