

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9984 of 2015

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1. Saloni Traders & Rice Mill through its Proprietor Sanjeet Kumar Pandey, Son of Sri Gopal Pandey, resident of Puran Chapra (Kalyanpur), Hindu Chakia, P.S. Bara Chakia, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Motihari District- East Champaran.
4. The District Certificate Officer, Certificate Department, East Champaran at Motihari.
5. The District Supply Officer, District- East Champaran at Motihari.
6. The Officer Incharge, Chakia Police Station, District- East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Madhuresh Prasad,
For the BSFC : Mr. A.N.Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2015

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food Corporation.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 44/Food/14-15 against the petitioner- Saloni Traders & Rice Mill 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. 59,90, 410/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner-Mill in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 59,90,410/- recoverable in terms of the notice dated

03.09.2014 issued by the Certificate Officer, East Champaran in Certificate Case No. 44/Food/14-15.

4. Learned counsel for the respondent-Corporation submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, East Champaran shall not resort to any coercive action for recovery of the dues against the petitioner-Mill in Certificate Case No. 44/Food/14-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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