

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11458 of 2015

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Kamlesh Kumar, Son of Lal Bihari Singh, Proprietor, M/s Ganpati Modern Rice Mill, Moriyawan, P.O. & P.S. Bikram, District Patna

.... Petitioner

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, Patna.
5. The Collector-cum-District Magistrate, Patna
6. The Additional District Magistrate (Supply), Patna Collectorate, Patna.
7. The Certificate Officer-cum-Sub-Divisional Officer, Paliganj,

.... Respondents

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Appearance :

For the Petitioner : Mr. Suraj Samdarshi, Advocate
For the State : Mrs. S. Karn, AC to AAG 8
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-08-2015

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

2. Learned counsel for the petitioner submits that even though a notice under Section 7 of the Bihar & Orissa Public Demands Recovery Act (For short, “the Act”) has been served, yet despite repeated requests by the petitioner as well as by the Certificate Officer made to the Certificate Holder pursuant thereto, the requisite statement of accounts has not been supplied in order to

enable the petitioner to file a meaningful petition under Section 9 of the Act denying his liability.

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.58,99,251/- recoverable in terms of the order dated 30.06.2015 passed by the Certificate Officer, Paliganj, Patna in Certificate Case No. 218 of 2014.

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, Paliganj, Patna, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 218 of 2014.

7. The writ petition stands disposed of.

(Vikash Jain, J)

