

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13754 of 2015

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Gurudeo Prasad Gupta aged about 58 years Son of Late Ganesh Lal Sah, resident of Rajendra Nagar Madhubani, P.O.- Madhubani P.S.- K. Hat, District- Purnea, Proprietor M/s Balaji Rice Mill, Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Additional Collector, Purnea.
4. The Certificate Officer, Purnea.
5. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate

For the Respondents : Mr. Roy Shivaji Nath, AAG 3

For the BSFC : Mr. R.S. Pradhan, Sr. Advocate

Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2015

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. 663/2014-15 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. 4,06,41,885.44 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. 4,06,41,885.44 recoverable in terms of the

notice dated 27.06.2015 issued by the District Certificate Officer, Purnea in Certificate Case No. No. 663/2014-15.

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, Purnea 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, Purnea, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 663/2014-2015.

(Vikash Jain, J)

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