

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9287 of 2015

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Mufari Rai, son of Late Anirudh Rai, Proprietor of M/S Suraj Mini Rice Mill,
resdient of Village- Sukulpura, P.O.- Badki Mahui, P.S.- Karahgar, District-
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Civil Supplies Corporation, Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Rohtas at Sasaram.
6. The Certifaicate Officer, Rohtas, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate
For the BSFC Mr. Shailendra Kumar Singh, Adv
For the Respondent/s : Mr. ANSHUMAN SINGH- GP24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

Heard learned counsel for the petitioner, learned Assistant
Counsel to GP 24 and learned counsel for the respondent-Corporation.

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 93/2014-2015 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. 98,63,692.69 are
wholly illegal and liable to be quashed.

3. It is further submitted that under a mistaken impression, the
petitioner had filed a representation before the Managing Director of the
respondent Corporation in the spirit of the orders passed in CWJC No. 9133

of 2014 and analogous cases, rather than an objection petition under Section 9 pursuant to a notice under Section 7 served upon him.

4. Learned counsel for the respondent-Corporation submits that as the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, 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, Rohtas, Sasaram shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 93/2014-2015.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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