

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10720 of 2015

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Pramod Kumar, Prop.- Shivani Rice Mill Industries, S/o- Late Ramdayal Prasad,
Resident of Mohalla- Naga Road, ward No.-23, P.O.- Raxaul, P.S.- Raxaul,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Fod and Consumer Protection Department, State of Bihar, Patna.
2. The District Collector, District- East Champaran.
3. The Sub- Divisional Officer, District- East Champaran.
4. Bihar State Foods and Civil Supplies Corporation Limited, through its Managing Director, Patna, Bihar.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., East Champaran.
6. The Certificate Officer, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the Respondent/s : Mr. SC11- ASHOK KUMAR

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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. 4/Khadyan/14-15 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.63, 38,753.44 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.63, 38,753.44 recoverable in terms of the notice dated

24.07.2014 issued by the Certificate Officer, East Champaran, Motihari in Certificate Case No. 4/Khadyan/14-15.

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 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 at Motihari shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No4/Khadyan/14-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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