

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10050 of 2014

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Jitendra Kumar Ray S/o Late Rajdeo Rai Resident of Village - Lakshmanma, P.O. Saunaha, P.S. Palanwan (Raxaul), District - East Champara Prop. Mahasakti Enterprises, Mill at Kuodhagar, P.O. Saunaha P.S. Raxaul, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food 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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Devendra Kumar Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 07-08-2015

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. 11/Khadyan/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.1,00,82,503.68/- 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.1,00,82,503.68/- recoverable in terms of the notice dated 24.07.2014 issued by the Certificate Officer, Motihari, East Champaran in Certificate Case No. 11/Khadyan/2014-15.

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, Motihari, East Champaran, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 11/Khadyan/2014-15.

(Vikash Jain, J)

Md. Ibrarul/-

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