

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11741 of 2015

Sanjay Kumar Singh, son of Baligram Singh, proprietor of M/s. Shekhar Arwa Polisher Rice Mill, r/o. village Bharha, P.O.Amba, P.S.Kutumba, Dist.Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Dist. Aurangabad.
2. The Bihar State Food & Civil Supplies Corporation Ltd., through its M.D. Bihar at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Aurangabad, Dist. Aurangabad.
4. The District Certificate Officer, Bhojpur at Aurangabad, Dist. Aurangabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the BSFC : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. SADANAND PASWAN- GP29

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. 94 of 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. 71,52,697.00 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. 71,52,679.00 recoverable in terms of the notice issued by

the Certificate Officer, Aurangabad in Certificate Case No. 94 of 2014-2015.

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, Aurangabad shall not resort to any coercive action for recovery of the dues against the partner of the petitioner in Certificate Case No. 94 of 2014-2015.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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