

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14220 of 2015

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Anand Kumar Singh Son of Sheo Prasad Singh, Proprietor M/s Balaji Rice Mill
Bajitpur Bihta P.S. Bihta, District - Patna

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan,
5th Floor Birchand Patel Path, Patna through its Managing Director
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Limited, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited,
Jehanabad
5. The Collector-cum - District Magistrate, Patna
6. The Additional District Magistrate (Supply) Patna Collectorate
7. The District Certificate Officer, Arwal (Jehanabad)

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Manish Kumar, GP 32

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-09-2015

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. 4 of 2015-16 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. 62,77,292/- 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. 62,77,292/- recoverable in terms of the notice dated 20.04.2015 issued by the District Certificate Officer, Arwal (Jehanabad) in Certificate Case No. 4 of 2015-16.

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, Arwal (Jehanabad) 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, Arwal (Jehanabad) shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No.4 of 2015-16.

(Vikash Jain, J)

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