

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11004 of 2015

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Balbir Kumar Singh S/o - Late Ramjee Singh Prop. M/s - Sri Ram Enterprises,
Resident of Village + P.O. - Gamharia, P.S. - Akodhi Gola, District - Rohtas,
Sasaram.

.... 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 - Rohtas, Sasaram.
3. The Sub-Divisional Officer, District - Rohtas, Sasaram.
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., Rohtas, Sasaram.
6. The Certificate Officer, Rohtas, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. R.R. K PANDEY

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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. 46/2014-15 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.22,40,098.58 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.22,40,098.58 recoverable in terms of the notice dated

30.07.2014 issued by the Certificate Officer, Rohtas at Sasaram in Certificate Case No. 46/2014-15.

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, Rohtas at Sasaram shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 46/2014-15.

(Vikash Jain, J)

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