

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7028 of 2015

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Ranjeet Bahadur Proprietor M/s Kushwaha Rice Mill of Shivganj Tola, Bihia Son of Sri Gopaljee Singh, Resident of Village/ Mohallah- Shivganj Tola, Bihia, P.S.- Bihia, District- Bhojpur at Ara (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara
2. The Bihar State Food & Civil Supplies Corporation Limited, Bhojpur at Ara (Bihar)
3. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Bhojpur at Ara (Bihar)
4. The Divisional Manager, Food Corporation of India, Ara, District- Bhojpur (Bihar)
5. The District Certificate Officer, Bhojpur at Ara, District- Bhojpur (Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Respondent-Corporation : Mr. Shailendra Singh, Advocate
For the State : Ms. Aditi Hanseria, A.C. to G.P.30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-05-2015

I have heard the parties.

A short issue is being raised on behalf of the petitioner at the time of hearing.

It is contended that though the petitioner has filed his objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 194 (hereinafter referred to as “the Act”) in terms of the direction contained in the order dated 23.07.2014 passed in C.W.J.C. No.6843 of 2014 as contained in Annexure-6, the Certificate Officer, without considering it and passing order under Section 10 of

the Act, has issued distress warrant against the petitioner which would be apparent from the order dated 13.03.2014. Learned counsel submits that he has appended the entire order sheet of the case in support of his aforesaid submission.

In above view of the matter, this writ application is being disposed of with a direction to the Certificate Officer to dispose of the objection of the petitioner on its own merit and in accordance with law. Till then, he will put hold on distress warrant issued by him. Any further order would be in accordance with the decision which will be taken by him upon the objection filed by the petitioner. Such decision should be taken by him within four weeks from the date of receipt/production of a copy of this order and the petitioner would also be required to appear on the date fixed by him failing which the Certificate Officer would also be at liberty to proceed *ex parte* and decide the matter in accordance with law after consideration of the objection raised by the petitioner vide Annexure-7. This order has been passed in view of the claim of the petitioner that he has filed objection petition and that has not been considered and decision has been taken as yet by the Certificate Officer, however, if the same has already taken and speaking order has already been passed then there would be no requirement of fresh consideration of the matter and the Certificate Officer would be at liberty to proceed for recovery in

accordance with law.

(Dr. Ravi Ranjan, J)

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