

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8780 of 2015

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1. Arun Kumar Pandey Son of Ram Naresh Pandey Resident of Village - Baroondih, P.S. Baroon Dist - Aurangabad.
 2. Braj Bihari Singh Son of Late Rajdeo Singh Resident of Village - English, P.S. Baroon, District - Aurangabad.

.... Petitioners

Versus

1. The State of Bihar through District Magistrate, District Aurangabad.
2. The District Magistrate District Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited Aurangabad, District - Aurangabad.
5. The Food Corporation of India, Divisional Manager, Gaya Division, District - Gaya.
6. The Store-In-charge, State Food Corporation, Barun - 1, P.S. Barun, District - Aurangabad.
7. The Certificate Officer, Dist - Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. ANSHUMAN SINGH- GP24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

Heard learned counsel for the petitioners, learned counsel
for the State and learned counsel for the Bihar State Food and Civil Supplies
Corporation.

2. It is submitted on behalf of the petitioners that the
entire proceedings in Certificate Case No. 50/2014-15 and Certificate Case
No. 77/2014-15 respectively, against the petitioners 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. 25, 41,178/- and Rs. 42.78, 785/- are

wholly illegal and liable to be quashed.

3. It is further submitted that under a mistaken impression, the petitioners had filed representation before the Managing Director of the respondent Corporation in the spirit of the orders passed in CWJC No. 9133 of 2014 and analogous cases, rather than an objection petition under Section 9 pursuant to a notice under Section 7 served upon them.

4. Learned counsel for the respondent-Corporation submits that as the petitioners do not appear to have filed any petition under Section 9 of the Act denying their liability, 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 petitioners to file their 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 petitioners in Certificate Case No. 50/2014-15 and Certificate Case No. 77/2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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