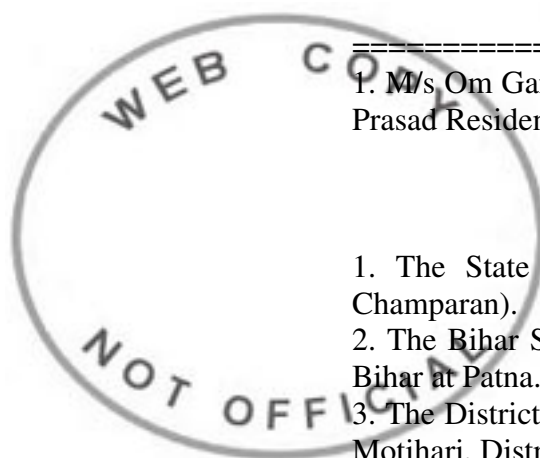




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10073 of 2015

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1. M/s Om Ganpati Industries through its Proprietor Himachal Kumar S/o Sri Tulsi Prasad Resident of Village - Ramgarwa, P.S. Ramgarwa, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District - Motihari (East Champaran).
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Motihari, District - Motihari (East Chmparan).
4. The Certificate Officer, Motihari (East Champaran).
5. The Food Corporation of India, Divisional Manager, Motihari Division, District - Motihari (East Champaran).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the BSFC Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. PARTHA SARTHI, G.A.11

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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 and Civil Supplies Corporation.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No.05/Food/2014-15 against the petitioner- Om Ganpati Industries 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.56,96,208.72 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. 56,96,208.72 recoverable in terms of the notice dated 22.08.2014 issued by the Certificate Officer, Motihari in Certificate Case No. 05/Food/2014-15.

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, Motihari shall not resort to any coercive action for recovery of the dues against the petitioner-Mill in Certificate Case No. 05/Food/2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran

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