

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11057 of 2015

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M/s Maa Vaishno Rice Mill, Bhagwanpur, Bochahan, Muzaffarpur through its
Partners Umes Rai, S/o- Sri Binda Rai, Village- Bhagwanpur, P.O. & P.S.-
Bochahan, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
3. The District Collector/ Magistrate, Muzaffarpur.
4. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Sone Bhawan, Patna.
5. The District Manager, Bihar State Food and Civil Supply Corporation, Ltd., Muzaffarpur.
6. The Certificate Officer-Cum-Sub-Divisional Officer, Muzaffarpur.

.... 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. AJIT PRATAP SINGH- SC15

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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. 562 of 2014-15 against the partner of the
petitioner- Maa Vaishno Rice Mill 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.5, 96,34,246.23 are wholly illegal and liable to be quashed.

3. The immediate concern of the partner of petitioner-Mill in
this case is that a warrant of arrest has been issued against him in connection
with the dues amounting to Rs.5, 96,34,246.23 recoverable in terms of the

notice dated 06.02.2015 issued by the Certificate Officer-cum-Subdivisional Officer, Muzaffarpur in Certificate Case No. 562 of 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 shall not resort to any coercive action for recovery of the dues against the partner of the petitioner-Mill in Certificate Case No. 562 of 2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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