

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11560 of 2015

Vivek Kumar Singh, S/o Shri Vindeshwari Singh, resident of village- Varva, P.S.- Adapur, District- East Champaran, Proprietor of M/s Tridev Rice Mill, East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporations Limited, Patna.
3. The District Manager, State Food Corporation Limited, East Champaran.
4. The District Magistrate, Collectorate, East Champaran at Motihari.
5. The Certificate Officer, East Champaran at Motihari.

.... Respondents

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the State : Mr. Binod Ji Verma- GP17
Mr. Tej Pratap Singh, AC to GP 17
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2015

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent-Bihar State Food Corporation.

2. The present writ petition has been filed for a direction to the Certificate Officer, East Champaran at Motihari to conclude the certificate proceedings in Certificate Case No.18 of 2014-15.

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.56,56,947.36/- recoverable in terms of the notice under Section 7 of the Bihar & Orissa Public Demands

Recovery Act (For short, “the Act”) dated 04.06.2015 issued by the Certificate Officer, East Champaran in Certificate Case No. 18 of 2014-15.

4. It is not in dispute between the parties that the petitioner has submitted an objection petition under Section 9 of the Act which, however, has not yet been disposed of and pending such petition, the warrant of arrest has been issued against him.

5. With the consent of parties, the present writ petition is disposed of with a direction to the Certificate Officer, East Champaran to dispose of the petition under Section 9 of the Act filed by the petitioner and said to be pending, within a period of three weeks from the date of receipt/production of a copy of this judgment, in terms of Section 10 of the said Act and in accordance with law.

6. It is made clear that until disposal of such petition, the Certificate Officer, East Champaran, Motihari shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 18 of 2014-15.

(Vikash Jain, J)

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