

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10140 of 2014

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Asheshwar Singh S/o Late Asharfi Singh, resident of Mohalla - Chawal Bazar,
P.O. Raxaul, P.S. Raxaul, District - East Champaran, Prop - Santosh Mini Rice
Mill, Industrial Area, Raxaul, Distt. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection
Department, State of Bihar, Patna
2. The District Collector, District - East Champaran
3. The Sub - Divisional Officer, District - East Champaran
4. Bihar State Foods and Civil Supplies Corporation, Through its Managing
Director, Patna, Bihar
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Motihari, East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv.
For the BSF : Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. J.P. Karn, AAG-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2015

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

2. The present writ petition has been filed for
quashing the letter no. 582 dated 06.05.2014 issued by District
Manager, Food Corporation of India, Motihari (hereinafter
referred to as SFC) by which the SFC has raised a demand of Rs.
72,80,036.68/- on account of price of rice and further to direct
the respondent to lift the paddy/rice stored in the godown of the
petitioner within reasonable period.



3. Interlocutory Application No. 6279 of 2015 has been filed for quashing the order of the Certificate Officer dated 30.05.2015 passed in Certificate Case No. 34/Khadyan/2014-15 by which the petitioner's objection under Section 9 of the PDR Act has been rejected. The Interlocutory application is allowed.

4. The limited issue raised on behalf of the petitioner is with regard to the manner of rejection of his petition under Section 9 of the PDR Act. The same has been rejected without assigning a single reason whatsoever for not accepting the case of the petitioner, which does not meet the requirement of Section 10 of the Act.

5. The immediate concern of the petitioner is that the warrant of arrest has been issued against him in connection with the dues shown in the notice under Section 7 of the Act at Rs. 83,18,375.68/- without however passing a valid order disposing of his objection petition under Section 9 of the Act as aforesaid.

6. The impugned order dated 30.05.2015 passed by the Certificate Officer rejecting the petition under Section 9 of the Act without assigning reasons cannot be held to be valid or in accordance with the requirements of Section 10 of the Act.

7. Accordingly and with the consent of the parties, the order dated 30.05.2015 passed by the Certificate

Officer in Certificate Case No. 34/Khadyan/2014-15 is hereby set aside with a direction to pass orders afresh in accordance with law giving reasons while disposing of the petition under Section 9 of the Act.

8. It is made clear that until such disposal of the petition, the Certificate Officer, Motihari, East Champaran, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 34/Khadyan/2014-15.

(Vikash Jain, J)

Md. Ibrarul/-

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