

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11329 of 2015

M/s Hari Murat Rice Mill, situated at Village- Kachnath More. P.S. Piro, District Bhojpur, through its Proprietor Sri Vijay Kumar Singh S/o Sri Guli Singh

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
2. The District Magistrate, Bhojpur at Ara.
3. The District Certificate Officer, District Bhojpur at Ara.
4. The District Manager, State Food Corporation District, Bhojpur at Ara.

.... Respondents

Appearance :

For the Petitioner : Mr. N.K. Malhotra, Sr. Advocate
Mr. Binod Kumar Sinha, Advocate
For the State : Mr. M.K. Pathak, S.C. No.7
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-08-2015

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. 28 of 2014-15 against the proprietor of the petitioner-M/s Hari Murat 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.1,11,50,468.44 are wholly illegal and liable to be quashed.

3. The immediate concern of the proprietor 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.1,11,50,468.44 recoverable in terms of the notice dated 17.04.2015 issued by the Certificate Officer, Bhojpur, Ara in Certificate Case No. 28 of 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 its 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 its 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, Bhojpur at Ara shall not resort to any coercive action for recovery of the dues against the proprietor of the petitioner-Mill in Certificate Case No. 28 of 2014-15.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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