

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10031 of 2015

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M/s Biswas Rice Mill, Kutumba through its Proprietor Ravindra Kumar Singh son of Late Suresh Singh, resident of Village Sardihakala, P.O. Gheura, P.S.- Kutumba, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate, Aurangabad
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
6. The District Manager, State Food Corporation, District- Aurangabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate
For the State : Mr. N. Hoda Khan, SC 18
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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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. 26 of 2014-15 against the proprietor of the petitioner- M/s Biswas 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.17,32,448/- 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.17,32,448 recoverable in terms of the order dated 09.12.2014 issued by the Certificate Officer, Aurangabad in Certificate Case No. 26 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, Aurangabad shall not resort to any coercive action for recovery of the dues against the proprietor of the petitioner-Mill in Certificate Case No.26 of 2014-15.

7. The writ petition stands disposed of.

B.T/-

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(Vikash Jain, J)