

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11367 of 2015

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Rampukar Prasad, Son of Sri Vishwanath Prasad, resident of village- Fatuha, P.S.-
Chauradano, District- East Champaran, Proprietor of M/S Golu Rice Mill, Fatuha,
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 & Civil Supplies Corporation Limited, Patna.
3. The District Manager, State Food Corporation Limited, East Champaran.
4. The District Magistrate, East Champaran at Motihari.
5. The Certificate Officer, East Champaran at Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the Respondents : Mr. P.N. Shahi- AAG10
For the BSFC : Mr. R.S. Pradhan, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2015

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. 15/2014-15 against the
petitioner 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. 20,77,448.52 are wholly illegal and liable to be quashed.

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. 20,77,448.52 recoverable in terms of the notice dated 30.05.2015 issued by the District Certificate Officer, East Champaran at Motihari in Certificate Case No. 15/2014-15.

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 with a direction to the Certificate Officer, East Champaran at Motihari to consider and dispose of the petition filed by the petitioner under Section 9 of the Act on its own merit and in terms of Section 10 of the said Act.

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

(Vikash Jain, J)

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