

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.15296 of 2015**

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M/s Sankat Mocchan Mini Rice Mill, Mabirganj through its Proprietor Surjit Kumar Singh Son of Ram Singhashan Singh resident of village - Bihata English, P.S. Amandpur, District - Bhojpur ( Ara )

.... .... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara
2. The District Manager B S F C, Bhojpur at Ara
3. The District Manager B S F C, Bhojpur at Ara

.... .... Respondents

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**Appearance:**

For the Petitioner : Mr. N.K.Agrawal, Sr.Advocate  
Mr. Vijay Anand,Advocate

For the Respondents : Mr. Kuber Pathak, AC to SC 14

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 14-12-2015**

Heard learned senior counsel for the petitioner, learned A.C. to Standing Counsel No.14 for the State and learned counsel for the respondent-Corporation.

2. This writ petition has been filed for quashing the entire certificate proceeding initiated against the petitioner in Certificate Case No. 17 of 2014-15 and for connected reliefs.

3. The immediate concern of petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 87,05,551.20 recoverable in terms of the notice dated 23.03.2015 issued by the District Certificate Officer, Bhojpur at Ara in Certificate Case No. 17 of 2014-15.



4. It is submitted on behalf of the petitioner that no notice in respect of the Certificate proceeding has been served on it, thus rendering the entire certificate proceeding illegal and unsustainable in law. Pursuant to the distress warrant being issued, the petitioner came to know about the Certificate Case and has filed his objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short “the Act”). Without disposing of such petition, however, recovery is sought to be made through issuance distress warrant.

5. Learned counsel for the respondents submits that the relevant entry in the order sheet is unclear with regard to service of notice under Section 7 of the Act owing to illegible handwriting.

6. Be that as it may, in view of the averments made by the petitioner, the writ petition is disposed of with a direction to the Certificate Officer to verify from the records whether or not the notice under Section 7 of the Act was in fact served upon the petitioner. In case the same has not been validly served, he shall proceed to serve such notice upon the petitioner. If the same has already been served and a petition under Section 9 of the Act has been filed by the petitioner which remains pending, the same shall be disposed of. Thereafter, the Certificate Officer may proceed further in the matter in accordance with law.

7. It is made clear that in the meantime, the Certificate

Officer, Bhojpur at Ara, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 17 of 2014-15.

8. The writ petition stands disposed of.

**(Vikash Jain, J)**

Chandran

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