

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12925 of 2015

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Lal Babu Prasad son of Sri Achhilal Prasad resident of Gulab bag P.s Sadar,
District Purnea Proprietor Hiri Om Rice Mill, Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Purnea.
3. The Certificate officer, Purnea.
4. The Managing Director, Bihar State Food and Civil supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Manager, Bihar State Food and Civil Supply Corporation , Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the Respondent/s : Mr. P.K. Verma, AAG 5
Mr. Saroj Kumar Sharma, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2015

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 661 of 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.5,03,54,662.47 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. 5,03,54,662.47 recoverable in terms of the notice dated 27.08.2014 issued by the Certificate Officer, Purnea in Certificate Case No. 661 of 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 granting liberty to the petitioner to file his 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, Purnea shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 661 of 2014-15.

(Vikash Jain, J)

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