

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13432 of 2016

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Ramjee Choudhary, S/o Late Jamun Choudhary, Prop. - M/S Jai Mata Vaishno Rice Mill, Resident of village - Sarfuddinpur, P.S. Bochannhan, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna.
2. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
3. The District Collector/Magistrate, Muzaffarpur.
4. The Bihar State Foods and Civil Supplies Corporation Limited, through its Managing Director, Sone Bhawan, Patna.
5. The Sub/Divisional officer Cum Certificate Officer, Muzaffarpur
6. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Muzaffarpur

.... Respondents

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Appearance:

For the Petitioner : Mr. Birendra Kumar Shrivastava, Adv.
Mrs. Madhuri Lata, Adv.
Mr. Birednra Kumar Sinha, Adv.
Mr. Rajendra Kumar, Adv.
Mr. Krishna Ranjan, Adv.
For the State : Mr. Upendra Pratap Singh, A.C. to S.C.-4
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food and Civil Supply Corporation Limited.

A proceeding in Certificate Case No.560 of 2014-15 has been initiated against the petitioner for recovery of dues.

Earlier, distress warrant was issued against the petitioner, for that, the petitioner has approached this Court in



C.W.J.C. No.10765 of 2015, which was disposed of vide order dated 06.08.2015 with a direction to the petitioner to file objection and the Certificate Officer will dispose of the same on its merits and till the disposal of the case, no coercive action will be taken against the petitioner.

It will be relevant to quote paragraph Nos. 4, 5 and 6 of the said order, which read as under:-

“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, Muzaffarpur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 560 of 2014-15.”

The authority concerned after giving opportunity of hearing to the petitioner, rejected the objection vide order dated



10.05.2016.

It has been reported that all the arbitration proceedings have been disposed of against the petitioner.

In such view of the matter, there is a provision of appeal. The petitioner, if so advised, may file an appeal before the appellate authority, who will decide the same in accordance with law.

If the petitioner files the appeal before the appellate authority within 15 days from today, during that period no coercive action will be taken against the petitioner. The petitioner, if so liked, may get relief from the appellate authority.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	20.12.2016
Transmission Date	

