

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16654 of 2015

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1. Manoj Kumar Sah Son of Shri Babu Saheb Sah, Proprietor, Maa Janki Rice Mil, Narar (Madhubani) Resident of Mohalla-J.P. Colony, Ward No.-14, Town+P.S.+District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Madhubani.
2. The Senior District Certificate Officer, Madhubani.
3. The Bihar State Food and Civil Supply Corporation Ltd. through its Managing Director.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.
Mr. Vijay Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad, G.P.18
Ms. Manisha Singh, A.C. to G.P.18
For the Corporation : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-07-2016

Heard Mr. Murari Narain Chaudhary, learned counsel for the petitioner, Ms. Manisha Singh, A.C. to G.P.18 for the State and Mr. Shailendra Kumar Singh learned counsel for the Bihar State Food and Civil Supplies Corporation.

The petitioner has questioned the entire proceedings arising from Certificate Case No. 13 of 2014-15 pending before the District Certificate Officer, Madhubani initiated at the instance of the respondent- Corporation under the provisions of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as 'the



Act') and the rules framed thereunder for realization of a demand quantified at Rs. 2,12,03,611.35 stated to be the price of custom milled rice required to be supplied by the petitioner. Mr. Chaudhary while questioning the proceedings on merits has referred to the order dated 5.8.2015 of the District Certificate Officer to submit that even when the objection filed by the petitioner under Section 9 of 'the Act', a copy of which is present at Annexure-6 remains pending and even though the no final order has been passed by the District Certificate Officer as mandated under Section 10 of 'the Act' yet bailable warrant has been issued. It is further the argument of petitioner that there are certain dues of the petitioner which remains pending for payment at the hands of the Corporation.

Be that as it may, considering that the matter is pending before the District Certificate Officer whatsoever objections needs to be raised by the petitioner he should respond to the notice and since the order sheet reflects that time and again the petitioner has been filing a time petition, in my opinion, there is nothing wrong in the issuance of bailable warrant by the District Certificate Officer. The petitioner should appear before the District Certificate Officer, Madhubani on or before 18.7.2016 and whereupon the District Certificate Officer shall proceed to dispose of the certificate proceedings in accordance with law, in consideration of the objection filed by the petitioner under

Section 9 of ‘the Act’ and after opportunity to the parties with liberty to them to adduce evidence in support of their case. Should the petitioner fail to register his appearance as directed by this Court on/ or before 18.7.2016, in such event the District Certificate Officer, Madhubani shall be at liberty to dispose of the matter ex parte after hearing the certificate holder and after taking note of the objection filed by the petitioner under Section 9 of ‘the Act’.

The writ petition is disposed of with the directions/stipulations above mentioned.

(Jyoti Saran, J)

Bibhash/-

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CAV DATE	
Uploading Date	06-07-2016
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