

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15088 of 2016

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Mukesh Kumar S/o Ram Vilash Singh r/o vill. Jodhan Bigha P.S. Shekhopur Sarai
in the District of Sheikhpura

.... Petitioner/s

Versus

1. The state of Bihar through its Principal Secretary, Food and Civil supply, Govt. of Bihar Patna
2. The District Magistrate, Sheikhpura.
3. The Chairman Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Manager, State food Corporation, Lakhisarai/Shekhpura
5. The Certificate Officer, Sheikhpura
6. The Assistant Go down Manager, Ariyari, Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
For the State	:	Mr. Alok Ranjan, AC to GA-6
For the BSFC	:	Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-12-2016

Heard learned counsel for the parties.

In this case, the Corporation has filed a certificate case before the Certificate Officer, Sheikhpura bearing Certificate Case No. 03/2014-15 wherein the Certificate Officer, Sheikhpura issued a certificate of Rs. 1,57,87,604/- against the petitioner.

The petitioner did not file any objection for years together but when the Distress Warrant was issued against him, he filed an objection on 21.3.2016 which is contained as Annexure-10 to the supplementary affidavit.

Learned counsel for the petitioner submits that the Certificate Officer, Sheikhpura, without considering the objection of the petitioner, has



disposed of the same.

It appears that the objection raised by the petitioner has not been gone into by the Certificate Officer. Let the Certificate Officer, Sheikhpura decide the objection filed by the petitioner on point to point basis as the petitioner has every right to file an objection as provided under the Bihar and Orissa Demand Recovery Act.

With the aforementioned observation and direction, this application is disposed of.

In the meantime, the Distress Warrant dated 16.3.2016 and the bailable warrant dated 21.3.2016, 5.4.2016, 18.4.2016 and 21.4.2016 issued against the petitioner is stayed subject to a condition that the petitioner must deposit 15% of the certificate amount within a period of three months from today. If the petitioner would fail to comply this order then the interim relief granted to the petitioner shall be treated to have been withdrawn.

Let the Certificate Officer, Sheikhpura decide the case within a period of three months from the date of deposit of the aforesaid amount by the petitioner.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

