

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9048 of 2011

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Rajendra Mouar @ Rajendra Sharma, Son of Late Ganpat Mouar, resident of
Village - Arai, P.S. Daudnagar, District - Aurangabad (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector-cum-Certificate Officer, Aurangabad (Bihar)
3. The District Certificate Officer, Aurangabad (Bihar)
4. The Bihar State Financial Corporation through the Marketing Director, Fraser Road, Patna
5. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
6. The Brach Manager, Bihar State Financial Corporation, Magadh Barach, Gaya

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Bindhyachal Singh Mr. Satya Prakash, Mr. Ram Binod Singh Mr. Vipin Kumar Singh, Advocates
For the State	:	Mr. Jawahar Pd. Karn, AAG4
For the BSFC	:	Mr. Y.V. Giri, Sr. Advocate Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-04-2016

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent-Bihar State Financial Corporation.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No.1/2007-08 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. 10,52,07,821.81 wholly illegal and liable to be quashed. It is contended that the certificate proceedings for recovery of the dues of a

Limited Company, namely, M/s Mouar Ltd. cannot be resorted to against the petitioner in his individual capacity.

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. 10,52,07,821.81 recoverable in terms of the notice dated 23.10.2007 issued by the District Certificate Officer, Aurangabad in Certificate Case No. No. 1/2007-08.

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 with direction to the Certificate Officer, Aurangabad to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, if still pending, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment. The petitioner shall be at liberty to file a supplementary objection petition raising any other objections which should also be considered by the Certificate Officer if the main objection petition remains pending.

6. It is made clear that until disposal of such objection

petition, the Certificate Officer, Aurangabad, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 1/2007-08.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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