

Mritunjaya
Khhatrapal
Industries

1. The
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.... Petitioner

1. The state of Bihar through Principal Secretary, Food & Consumer Protection, Government of Bihar, Patna
2. The Managing Director, Bihar State Food & Civil Supply Corporation, Limited, Patna.
3. The District Magistrate, Muzaffarpur
4. The District Magistrate, Bihar State Food Corporation, Muzaffarpur
5. The District Manager, Bihar State Food Corporation, Begusarai
6. The District Magistrate, Bihar State Food Corporation, Khagaria
7. The Sub Divisional Officer-Cum-District Certificate officer, East Muzaffarpur
8. In-charge of Purchase Centre, FCI/BSW, Barauni

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Upendra Pratap Singh-SC-4
For the BSFC	:	Mr. Aditya Prakash Sahay, Advocate
For the FCI	:	Mr. Prabhakar Tekriwal, Advocate Mr. Shashidhar Jha. Advocate

2 27-09-2016 Heard learned counsel for the petitioner and
learned counsels for the State and for the respondent-Bihar State
Food and Civil Supplies Corporation.

The petitioner seeks quashing of the order dated 22.4.2016/21.6.2016 passed by the District Certificate Officer, East Muzaffarpur in Certificate Case No. 838/2014-15 by which distress warrant has been issued against the petitioner.

The simple point raised by learned counsel for the petitioner is that the petitioner has filed an objection before the Certificate Officer but without deciding the same distress warrant has been issued which is not in accordance with law.

Learned counsel for the respondent-Corporation submits that the petitioner has not disputed the amounts under the certificate and thus the distress warrant need not be interfered with.

It is not to be considered whether the amounts under certificate are in dispute or not. Admittedly, an objection was filed before the Certificate Officer which he has not decided and without doing so proceeded to issue distress warrant. Such a course of action is not permissible.

In the above circumstances, the writ application is allowed. The impugned order dated 22.4.2016/21.6.2016 is quashed and the matter is remanded to the Certificate Officer to first decide the objection filed by the petitioner before proceeding further in the certificate case.

(Ramesh Kumar Datta, J)

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