

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2738 of 2016

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Sunil Kumar Pandey Son of Chandradeo Pandey Proprietor of M/s Shanti Modern Rice Mill, Sheosagar Resident of Village -Civl Lines, Company Sarai, Sasaram P.s Sasaram District Rohtas.

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Food, Supply, and Commerce Department Government of Bihar, Patna.
2. The Principal Secretary Food and Commerce Protection Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation, through its Managing Director Sone Bhawan, Veerchand Patel Path Patna.
4. The District Magistrate Rohtas, Sasaram.
5. The District Certificate Officer, Rohtas at Sasaram.
6. The District Manager, Bihar State Food and Civil Supply Corporation Rohtas at Sasaram.
7. The District Supply Officer, Bihar State Food and Civil Supply Corporation, Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Respondent/s : Mr. S.A. ALAM, SC3

For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 05-04-2016

An interlocutory application, bearing I.A. No. 2461 of 2016, has been filed for staying the attachment order dated 22.02.2016 passed by the Certificate Officer, Rohtas, Sasaram.

2. In view of the submissions made, I.A. No. 2461 of 2016 is allowed and the prayer made in the interlocutory application is formed part of the main writ application.

3. Heard learned counsel for the petitioner and the respondents.

4. A Certificate proceeding, bearing Certificate Case No. 06 of 15-16 / 40 of 15-16, was started by the District Certificate Officer, Rohtas (Sasaram).

5. Pursuant to notice under Section 7, the petitioner filed his reply under Section 9 of the Bihar & Orissa Public Demand Recovery Act.

6. The grievance of the petitioner is that without considering his reply to the show-cause, the Certificate Officer vide order, dated 22.02.2016 has attached his property.

7. In my view, as the petitioner has already submitted his reply/objection, the Certificate Officer, Rohtas, Sasaram should have considered the same prior to attaching the property.

8. In the result, the impugned order, dated 22.02.2016 attaching the property is set aside. The Certificate Officer would be at liberty to dispose of the Certificate Case No. 06 of 15-16 / 40 of 15-16 at the earliest.

9. The writ application stands allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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