

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8676 of 2014

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M/s Sundari Rice Mill through its Proprietor Ajit Kumar, Son of Govind Prasad Yadav, resident of Village- Karela, Post Office- Mirjapur, Police Station- Nathnagar, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Certificate Officer, Khagaria, District- Khagaria.
2. The District Manager, Khagaria, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-uddin Ashraf, Adv.

For the Respondent/s: Mr. GP1- U.S.S. SINGH, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-02-2016

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

2. The present writ petition has been filed for quashing the order dated 12.11.2013 passed in Certificate Case No. 05/13-14 by the District Certificate Officer, Khagaria and to pass a consequential order directing the said District Certificate Officer to determine the petition denying liability after giving the petitioner an opportunity of being heard as envisaged by Section 10 of the Bihar and Orissa Public Demand Recovery Act.

3. It is submitted on behalf of the petitioner that though a petition under Section 9 of the Bihar and Orissa Public Demands Recovery Act was filed, the Certificate Officer

by his impugned order dated 12.11.2013 has directed issuance of warrant against him. 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.

4. With the consent of the parties, the present writ petition is disposed of with direction to the Certificate Officer, Khagaria to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, on its own merits, in accordance with law 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.

5. It is made clear that until disposal of such objection petition, the Certificate Officer, Khagaria, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 05/13-14.

Vikash/-

(Vikash Jain, J)

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