

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16759 of 2016

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Ramdeo Prasad Son of Late Gopal Prasad, Proprietor of M/s Ranjan Automatic Rice Mill, Kinjer, District- Arwal, resident of village- Nagala Bigha, P.S.- Kinjer, District- Arwal. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply, Government of Bihar, Patna.
 2. District Certificate Officer, Arwal.
 3. Bihar State Food and Civil Supply Corporation Limited, Patna through District Manager, State Food Corporation, Jehanabad, District- Jehanabad.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Adv.
For the State : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-12-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The present case is arising from Certificate Case No. 12 of 2015-16 and in that case, the Certificate Officer has passed the order dated 09.09.2016 and directed for body warrant.

Short claim has been made by the petitioner that after receipt of the notice, he has filed the objection under section 9 of the Act on 17th June 2015, which is still pending and without disposing of the same, the order of body warrant has been issued.

When the objection is filed, the Authority is obliged to deal with the same one way or other and only then, the Authority can pass any coercive order, but in the present case even the objection,



which has been filed by the petitioner, has not been brought in the order sheet having the matter for its consideration. When an objection is filed, it supposes to a quasi-judicial body to deal with the same and pass the order. The Certificate Officer had to discharge dual function administrative and adjudicatory body while disposing of the objection filed under section 9 of the Act.

In such view of the matter, let the Certificate Officer consider the case of the petitioner which has been filed as Annexure-2 to this writ petition and dispose of the same in accordance with law.

In the meantime, the order of body warrant dated 09.09.2016 is stayed, but subject to the condition that the petitioner must deposit the 20% amount of the Certificate amount within a period of one month. In case of failure, this order will be treated to have been withdrawn.

The Certificate Officer is directed to consider case of the objection and pass a final order preferably within three months from the date of presentation of this order.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Maresh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.12.2016
Transmission Date	

