

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10327 of 2017

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1. Sadhna Kumari wife of Shree Prakash Sharma, Proprietor, M/s. Sadhna Rice Mill, Ramnandan Nagar, Datiyana, Bikram, P.S.Bikram, District Patna.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna, through its Managing Director.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R- Block, Road No.- 2, Patna.
3. The Collector-cum- District Magistrate, Patna.
4. The Certificate Officer-cum- Sub Divisional Officer, Paliganj, Patna.
5. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Patna.
6. The State of Bihar through Principal Secretary, Food & Civil Supplies and Consumer Protection, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For BSFC : Mr. Shailendra Kumar Singh
For the State : Mr. Upendra Pratap Singh AC to - SC4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State as well as B.S.F.C.

In the present case, petitioner has prayed for quashing the order dated 11.5.2017 passed by the Certificate Officer-cum-Sub Divisional Officer, Paliganj, Patna in Certificate Case No.216 of 2014 by which he has directed for execution of body warrant.

Section 42 of the Public Demands Recovery Act



prohibits of arrest or detention of women and persons under disability. It will be relevant to quote Section 42 of the Public Demands Recovery Act:

“42. Prohibition of arrest or detention of women and persons under disability.-

Notwithstanding anything in this Act, the Certificate Officer shall not order the arrest, or detention in the civil prison of-

- (a) a woman, or
- (b) any person who, in his opinion, is a minor or of unsound mind.”

In such view of the matter, the petitioner cannot be arrested and as such the order of body warrant issued against her is set aside.

The Certificate Officer will be at liberty to recover the amount as provided under the Public Demands Recovery Act.

Accordingly this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

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