

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9447 of 2017

=====

Lakshmi Pratap Singh, S/o Uday Pratap Singh, Prop. of M/S Pratap Arwa Rice Mill, Karma, R/o Vill- Karma, P.S.- Aurangabad, Dist- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.
3. The District Magistrate, Aurangabad.
4. The Certificate Officer, Aurangabad.
5. The District Manager, Bihar State Food Corporation, Aurangabad.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- AAG5

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-07-2017

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

In this case, the petitioner is challenging the order dated 25.02.2017 passed in Certificate Case No. 13/2014-15 whereby and whereunder the Certificate Officer, Aurangabad has issued body warrant against the petitioner.

The present matter relates to Certificate Case No. 13/2014-15 which was initiated against the petitioner for outstanding dues of Rs. 78,29,851/- as the petitioner has not supplied the proportionate amount of CMR in terms of the agreement which led to



initiation of a proceeding under the Public Demand Recovery Act.

Learned counsel for the petitioner submits that the petitioner had filed objection but, the Certificate Officer, without disposing of the objection, has issued a body warrant of arrest.

In that view of the matter, the order dated 25.02.2016 passed in Certificate Case No. 13/2014-15 to the extent of issuance of body warrant is quashed.

The Certificate Officer, Aurangabad is directed to reconsider the objection of the petitioner and dispose of the matter by passing a reasoned order. In case, the petitioner fails to deposit the amount as per decision of the Certificate Officer, he will be at liberty to take action in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2017
Transmission Date	NA

