

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10349 of 2017

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1. Smt. Bina Devi, wife of Kul Prakash, Proprietor, M/s Maa Vindhya Vasini Rice Mill, Rani Talab, Bikram, Gauna, 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. null null
5. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Patna.
6. The State of Bihar through Principal Secretary, Food and Civil Supplies, Consumer Protection, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi
For the BSFC	:	Mr. Shailendra Kumar Singh
For the State	:	Mr. Sanjay Kr.Giri-GP9
		Mr. Nikhil Kumar Agrawal
		Ms. Deepika Sharma

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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.217 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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