

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13974 of 2017

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1. Rajeev Kumar, Son of Shri Mahendra Prasad sah, Proprietor, M/s Amrita Rice Mill, Takkichak Habibpu, P.O. Mirjan Hat, P.s. Habibpur, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department. of Revenue & Land Reforms, Government of Bihar, Patna.

2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Limited, Khadya Bhawan, Daroga Prasad Path, R-Block, Road No.2, Patna-800001.through its Managing Director.

3. The District Manager, Bihar State Food & Civil Supplies Corporation, Limited, Banka.

4. The District Certificate Officer, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the State : Mr. Rishi Raj Sinha-SC19,
Mr. Saurabh Kumar, AC to SC-19

For BSFC : Mrs. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the petitioner and learned counsel for the BSFC as well as the State.

In the present case, petitioner is challenging the order dated 3.3.2017 passed by the District Certificate Officer, Banka in Certificate Case No.44 of 2014-15 by which body warrant has been issued against him.

Petitioner is a miller has entered into an agreement for milling the paddy. In terms of the agreement petitioner was to release 67% of paddy so received but he failed to supply the proportionate amount of paddy in terms of the agreement which led to filing of certificate case making demand of Rs.48,74,394/-.



As per petitioner he has deposited Rs. 16 lacs, inasmuch as he has filed an objection under Section 9 of the Public Demands Recovery Act which is pending wherein he has made a request for making installment for liquidating the outstanding dues against him. Before disposal of the same the Certificate Officer has issued a warrant of arrest. The Certificate Officer before issuance of any warrant is required to dispose of the objection filed by the petitioner. It is not expected that Certificate Officer will issue warrant of arrest without its disposal.

In such view of the matter, the order dated 3.3.2017 issuing body warrant is hereby set aside and matter is remanded back to the Certificate Officer, Banka who will examine the case of the petitioner and pass a reasoned order granting certain time to deposit the money. In failure, the Certificate Officer will be at liberty to take action in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.10.2017
Transmission Date	NA

