

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13841 of 2017

=====

Rahul Kumar, son of Kamlesh Sharma, resident of village Digghi, P.O. – Digghi,
P.S. Konch, Gurua, District Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Gaya.
3. The District Magistrate, Gaya
4. Sr. Deputy Collector-cum-Certificate Officer, Gaya

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Rajesh Kumar
Mr. Lakshmi Kant Sharma, Advocates
For the Respondents : Mr. Vikas Ratan Bharti, AC to GP9
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-11-2017

The present writ petition has been filed for quashing the order dated 01.09.2016 as well as the order dated 31.05.2017 whereby and whereunder warrant of arrest was issued to the petitioner for procuring his appearance in Certificate Case No. 01 of 2015-16.

2. Learned senior counsel for the petitioner submits that the continuance of the certificate proceeding is wholly illegal and arbitrary. In any event, learned counsel states that the objection petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act (for short, "the PDR Act") has not been filed before the Certificate Officer and seeks liberty to file the same.

3. Learned counsel for the respondent-Corporation



appears and expresses that he has no objection if the petitioner approaches the Certificate Officer with an objection petition.

4. Having regard to the stand of the parties, the writ petition stands disposed of granting liberty to the petitioner to approach the Certificate Officer, Gaya (respondent no. 4) with his objection petition under Section 9 of the PDR Act. If such an objection petition is filed by the petitioner before the Certificate Officer, Gaya within a period of three weeks from today, the same shall be considered and disposed of on its own merits and in accordance with law after grant of opportunity of hearing to the petitioner.

5. Until the objection petition is disposed of, no coercive action shall be taken against the petitioner for recovery of the due amount in connection with Certificate Case No. 01 of 2015-16 pending in the court of the Certificate Officer, Gaya.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.11.2017
Transmission Date	N.A

