

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9929 of 2017

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1. Nilesh Kumar Son of Sri Lal Babu Singh, Resident of Village- Nonaur, P.S. Sahar, District Bhojpur, proproetor of M/s Balmukund Rice Mill, Nonaur, P.S. Sahar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary-cum- Commissioner, Food, Civil Supplies & Consumer Affairs, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Beer Chand Patel Path, Patna.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Bhojpur (Ara).
4. The Assistant Account Officer, Bihar State Food & Civil Supplies Corporation Ltd., Bhojpur (Ara).
5. The District Certificate Officer, Bhojpur, Ara.
6. The Station House Officer, Sahar Police Station, Sahar, District- Bhojpur (Ara).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli,
For the State : Mr. Arvind Ujjwal-SC4
Mr. Maruth Nath Roy, AC to SC 4
For BSFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State as well as BSFC.

In the present case, the petitioner is challenging the order dated 2.6.2017 by which Certificate Officer, Bhojpur, Ara has issued body warrant as petitioner has not deposited the amount of Rs. 74,32,388.47.

Limited but effective point has been raised that after receipt of notice under Section 7 of the PDR Act, petitioner



filed objection under Section 9 of the PDR Act in which he has taken different grounds challenging the proceeding itself and amount.

The Certificate Officer ought to have disposed of the objection only thereafter on failure to deposit the amount he could have passed the order. He did not dispose of the objection and straight way passed the order of warrant which cannot be approved by this Court.

Accordingly the body warrant dated 2.6.2017 is set aside and Certificate Officer, Bhojpur, Ara is directed to first dispose of the objection filed under Section 9 of the PDR Act and then he would take action in accordance with law.

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

(Shivaji Pandey, J)

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