

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8266 of 2015

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1. M/s Jai Bajrang Rice Mill, Gidha through its Proprietor, Santosh Kumar Suman. Son of Sri Prabal Pratap Singh. At present residing in Singh Colony, Pakari, Police Station - Nawada, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Bhojpur at Arrah.
3. The District Certificate Officer, Bhojpur at Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.S. Pradhan
For the BSFC : Mr. Shailendra Kumar Singh
For the State : Mr. Md. Raisul Haque, SC III

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-07-2017

Heard the parties.

In the present writ petition, petitioner is challenging the order dated 13.4.2015 passed in Certificate Case No.4 of 2014-15 by which distress warrant has been issued against him. Petitioner has also filed an interlocutory application vide I.A. No.4582 of 2017 for setting aside the order dated 21.7.2015 passed in Certificate Case No.4 of 2014-15 by the Certificate Officer, Bhojpur at Ara by which he has issued bailable warrant against him.

A proceeding under Public Demands Recovery Act



(hereinafter referred to as the Act) was initiated which was registered as Certificate Case No.4 of 2014-15. Notice was issued against him under Section 7 of the Act whereupon petitioner has filed an objection and without considering the objection the Certificate Officer has issued body warrant..

When an objection is filed it was duty of the Certification Officer to consider, discuss and dispose of the same and only thereafter he will be at liberty to take coercive action against the petitioner. When objection is pending it is not supposed to straightway issue body warrant for non-deposit of demand notice.

In such view of the matter, the order dated 21.7.2015 is set aside by which the Certificate Officer, Bhopjpur at Ara has issued the body warrant. If the objection has already been filed the Certificate Officer will be obliged to dispose of the same and then only he will be at liberty to pass coercive order against him. The petitioner, if so advised, may file supplementary objection within a period of two weeks from today. If supplementary objection is filed, the Certificate Officer, Bhajpur at Ara will be obliged to look into the same and dispose of the matter within a period of eight weeks from the date of filing of supplementary



objection.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.7.2017
Transmission Date	NA

