

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9940 of 2015

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Uday Prasad Sharma, Son of Raja Ram Sharma, resident of village - Basantpur,
P.S. Sakurabad, District - Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Sub - Divisional Officer, Jehanabad.
4. The Bihar State Food & Civil Supplies Corporation Ltd., through its Chairman, Patna.
5. The District Manager, State Food Corporation, Jehanabad.
6. The Additonal Collector, Cum - Certificate Officer, Jehanabad.
7. The Food Corporation of India through its Chairman-cum- Managing Director, New Delhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shiya Ram Sahi, Adv.
Mr. Manoj Kumar, Adv.
For the State : Mr. Mahtab Alam, A.C. to S.C.-20
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-08-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar State Food
and Civil Supplies Corporation Limited.

2. In this case, the petitioner is challenging the order dated
16.04.2015 passed by the Additional Collector-cum-Certificate
Officer, Jehanabad, in Certificate Case No.5 of 2014-15, whereby



and where-under he has directed the petitioner to deposit an amount of Rs.76,06,686/- and also issued the Body Warrant against the petitioner.

3. The petitioner is a miller, as he did not supply the proportionate quantity of C.M.R. amount, led to initiation of proceeding under the P.D.R. Act for realization of the aforesaid amount. The petitioner has filed an objection, but the Certificate Officer without application of his mind passed a cryptic order for realization of the aforesaid amount, without affording any opportunity to deposit the amount, issued the Body Warrant against the petitioner.

4. This action of the Additional Collector cannot be approved. Accordingly, the order dated 16.04.2015 passed by the Additional Collector-cum-Certificate Officer, Jehanabad is set aside. The warrant of arrest issued against the petitioner is also quashed. The matter is remanded back to the Additional Collector-cum-Certificate Officer, Jehanabad and he is directed to decide the objection of the petitioner in accordance with law after giving hearing to the petitioner pass a reasoned order in accordance with law within a period of two months from the date of receipt/production of a copy of this order.



5. This Court directs the petitioner to remain present along with a copy of this order before the Additional Collector within a period of two weeks from today, failing which this relief will be treated to have been withdrawn.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	11.09.2017
Transmission Date	N/A.

