

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4718 of 2016

=====

1. Bharat Purvey Son of Sri Shambhu Purvery resident of village -
Madhwapur, P.S. Madhwapur, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food & Civil Supply,
Govt. of Bihar, Patna
2. District Certificate officer, Madhubani
3. District Manager, Bihar State Food Civil Supply Corporation Madhubani

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Respondent/s : Mr. Nirmal Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 04-09-2017 Heard the parties.

In the present case, petitioner is challenging the entire
Certificate Case No.6 of 2013-2014.

A certificate proceeding vide Certificate Case NMo. 6
of 2013-2014 was initiated against the petitioner and he has
filed objection petition under Section 9 of the PDR Act but
without disposing of the objection petition body warrant has
been issued against him vide Memo No.554 dated
22.9.2015. The matter relates to 2011-2012 and basic issue
has been raised that there was no agreement to recover any
outstanding dues against the petitioner under the PDR Act.

The issue of recovery of such amount came for



consideration in C.W.J.C. No.13746 of 2013 has been decided that as there is no agreement for recovery of amount under PDR Act, to recover under the said Act not permissible but view has been overruled in L.P.A. No.1576 of 2014 and the same has been challenged in S.L.P. No.16909 of 2016.

In such view of the matter, warrant of arrest dated 22.9.2015 is set aside.. This case will be subject to the result of S.L.P. No. 16909 of 2016.

The authority will take action in terms of the order passed by Hon'bel Supreme Court in S.L.P. No. 16909 of 2016.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

U			
---	--	--	--

