

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19294 of 2016

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Ram Kumar Jha S/o- late Kameshwar Jha R/o Village- Siho, Nawalpur, P.S.
Sakara, District- Muzaffarpur, Prop, Sri Ram Kutir Udyog.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer, Protection Department, State of Bihar, Patna.
2. The District Collector, District- Muzaffarpur.
3. The Sub- Divisional Officer, District- Muzaffarpur.
4. Bihar State Foods and Civil Supplies Corporation Ltd, Through its Managing Director, Patna, Bihar.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd, Muzaffarpur.;
6. The Certificate Officer- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv.
Mr. K.M. Mishra, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

For the State : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-03-2017

Heard learned counsel for the petitioner and counsel for the State as also counsel for the Bihar State Food and Civil Supply Corporation Limited (in short "B.S.F.C.").

Learned counsel for the petitioner has raised a grievance that though his objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act is pending but, the warrant of arrest has been issued by the Certificate Officer.

From the records, it appears that the petitioner was entered into an agreement for milling and transportation. Accordingly, he has received the paddy with a liability to pay proportionate amount of C.M.R. As per counsel for the B.S.F.C., the total quantity of paddy



supplied to the petitioner was 41,197.16 quintal but he has supplied only 15,120 quintal of rice and he has not supplied 12,482.10 quintal of rice. Accordingly, the B.S.F.C. has placed a demand of Rs. 270,30.730/-.

A requisition was sent and, accordingly, a notice was issued to the petitioner by the Certificate Officer, Muzaffarpur. The petitioner filed an objection under Section 9 of the P.D.R. Act on 24.03.2015 but, instead of disposing of the same, the Certificate Officer, Muzaffarpur has issued the warrant of arrest on 14.09.2016.

In that view of the matter, the warrant of arrest dated 14.09.2016 issued by the Certificate Officer, Muzaffarpur in Certificate Case No. 567 of 2014-15 is quashed with a direction to the Certificate Officer, Muzaffarpur to give an opportunity of hearing to the petitioner and the B.S.F.C. and pass a reasoned order in accordance with law.

In the writ application as also in the interlocutory application, primary objection has been raised that the requisition sent to the petitioner was not in proper format and, as such, the proceeding is inherently illegal and other incidental points have also been raised.

Let the petitioner, if so advised, may file additional objection which will also be examined by the Certificate Officer, Muzaffarpur while taking decision by passing a reasoned order. The



Certificate Officer, Muzaffarpur is directed to conclude the entire proceeding within a period of three months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	

