

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9598 of 2017

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M/s Bhagwanjee Rice Mill, Situated at Village, P.O. & P.S. - Imadpur, District-Bhojpur, through its Proprietor, Sri Navin Kumar Singh, Son of late Bhagwan Singh

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies Department, Government of Bihar.
2. The District Manager, Bihar State Food Corporation Bhojpur at Ara.
3. The Certificate Officer, Bhojpur at Ara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar,
Mr. Lokesh Kumar Singh, Advocates
For the Respondent : Mr. S. Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG 5
For the BSFC : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-11-2017

The present writ petition has been filed for quashing the order dated 02.06.2017 passed by the Certificate Officer, Bhojpur issuing warrant of arrest in Certificate Case No. 40 of 2014-15 in connection with recovery of Rs. 37,34,917.54 and for a direction to the respondents to accept the rest amount of certificate issued in the name of the petitioner in installment after adjusting the dues of milling and rent of godown of the petitioner upon the respondents.

2. Learned counsel for the petitioner submits that warrant of arrest has been arbitrarily issued in terms of the impugned order dated 02.06.2017 without first disposing of the



objection petition filed by the petitioner on 27.02.2015 under Section 9 of the Public Demand Recovery Act (hereinafter referred to as 'the PDR Act'). It is further stated that during the pendency of the certificate case, the petitioner has already paid a total amount of Rs. 19,00,000/- which has also not been taken into consideration by the Certificate Officer.

3. A counter affidavit has been filed on behalf of the respondents wherein, however, the claim of pendency of the petitioner's objection petition filed under Section 9 of the PDR Act has not been controverted.

4. In the above view of the matter, the Certificate Officer, Bhojpur at Ara is directed to consider and dispose of the petitioner's objection said to have been filed on 27.02.2015 under Section 9 of the PDR Act on its own merits and in accordance with law. The petitioner shall be at liberty to satisfy the Certificate Officer with regard to any payment made by him and to make payment of the remaining amount due.

5. Until the objection petition is disposed of, no coercive action shall be taken against the petitioner in connection with Certificate Case No. 40 of 2014-15 pending in the court of the Certificate Officer, Bhojpur at Ara.

6. The writ petition accordingly stands disposed of.

(Vikash Jain, J)



B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.11.2017
Transmission Date	N.A.

