

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8157 of 2016

=====

Rakesh Kumar, S/o Late Narendra Prasad Singh, Resident of Village- Konikuti,
P.S. Mehandia, District- Arwal.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Bihar State Food and Civil Supplies Corporation Ltd., through its Chairman, Patna.
4. The District Manager, State Food Corporation, Arwal/Jehanabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.
For BSFC : Mr. Aditya Prakash Sahay, Adv.
For the State : Mr. A.N. Jha, A.C. to S.C.-18

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2017

Heard learned counsel for the parties.

In this case, the petitioner has raised a grievance that he although appearing in the proceeding, save and except, few days, but the Certificate Officer vide order dated 16.11.2016 passed in Certificate Case No.8 of 2015-16 issued Body Warrant.

From the record, it appears that the petitioner has been participating in the proceeding and time to time he has extended his co-operation to the Certificate Officer. The order-sheet itself indicates that on certain occasions, the representative of the Bihar State Food and Civil Supplies Corporation was not present. Further,



it appears that the Certificate Officer is also not sure what is the actual outstanding dues against the petitioner. The objection filed by the petitioner is pending before the Certificate Officer and without disposing of the same, has issued the Body warrant.

This Court is of the view that by and large the petitioner has been participating and co-operating the proceeding, in such circumstance, it was not justified for the Certificate Officer to issue Body Warrant without disposing the objection of the petitioner.

In such view of the matter, the order dated 16.11.2016 and 24.05.2017 are set aside. Both the parties are directed to participate in the proceeding and extend all co-operations so that the Certificate Officer will be able to dispose of the proceeding at the earliest.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	22.07.2017
Transmission Date	N/A

