

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3717 of 2015

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Prasadi Sah Rice Mills through its Proprietor, Prasadi Sah S/o Late Molu Sah R/o village - Aliganj (Gangti), PO - Mirjanhatt, P.S. - Mojahidpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Supply Department Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur, District Bhagalpur.
4. The Bihar State Food & Civil Supply Corporation Ltd., Bihar, Patna through its Managing Director.
5. The District Manager, Bihar State Food & Civil Supply Corporation Ltd., Banka, District - Banka.
6. The Certificate Officer, Banka, District Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Dhananjay Kumar Gupta, Deepak Kumar,
Shardanand Mishra, Advs. and
Rajiv Ranjan, Advs.

For the Respondent/s : Mr. M.K. Sinha, SC-1
Mr. Shailendra Kumar Singh
Mr. Awadhesh Kumar
Mr. Pankaj Kumar, SC-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-01-2017

Heard learned counsel for the petitioner and learned counsel for the respondent.

In this case, admitted position is that the Certificate Case 30/14-15 has been instituted against the petitioner for recovery of the amount of Rs. 26,54,608/- (Twenty six lakh fifty four thousand six hundred and eight, the notice under section 7 was issued calling upon the petitioner to file objection in person, the petitioner has filed the objection, but instead of disposing of the objection filed by the petitioner, the Certificate Officer has issued the body warrant, vide order dated



08.12.2014. It does not stand to the reason, when the petitioner has filed the objection under section 9 of the Act, first the duty, cast upon the Certificate Officer to dispose of the objection only then he would be at liberty to pass order in nature of coercive action.

In such view of the matter, the order of body warrant dated 08.12.2014 and order dated 20.01.2015 are quashed. The Certificate Officer is directed to decide the objection of the petitioner only then, take action in accordance with law.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.01.2017
Transmission Date	

