

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.10087 of 2015

Vijay Kumar, son of Awadhesh Prasad Singh, M/S Golu Rice Mills, resident at village Babhana, Police Station - Jehanabad, District - Jehanabad.

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Patna, Sone Bhawan, Veerchand Patel Path, Patna.
3. The District Manager, Bihar State Food Corporation, Jehanabad.
4. The District Certificate Officer, Jehanabad.
5. The District Magistrate, Jehanabad.
6. The Circle Officer, Jehanabad.

.... .... Respondents

#### Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.  
For the State : Mr. Pankaj Kumar Singh, A.C. to G.A.-9  
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL JUDGMENT

**Date: 23-08-2017**

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food and Civil Supplies Corporation Limited.

2. In this case, the petitioner is challenging the warrant of arrest as well as entire proceeding of Certificate Case No.10 of 2014-15 with respect to demand of Rs.14,04,582/- which has been signed on 31.07.2014 by Requisitioning Authority, accordingly the Certificate was issued.

3. Learned counsel for the petitioner has pointed out that it



is the requisition-cum-certificate and that too has not been prepared properly as the columns have been left blank without proper and relevant dates inasmuch as in the right side the Requisitioning Officer has put his signature with the date and on the left side the Certificate Officer has put the signature and thereby made it requisition-cum-certificate, which is not permissible.

4. Another defect has been pointed out by the petitioner that his objection was rejected on 16.04.2015, on the same day the body warrant has been issued. The order dated 16.04.2015 does not show that the Certificate Officer has considered the objections which have been raised by the petitioner, but merely, recorded that the objection is rejected.

5. Learned counsel for the B.S.F.C. and the State have vehemently argued and submitted that there is nothing wrong in the requisition and the order dated 16.4.2015 does not suffer from fault as the authority has not found any merit in the objection.

6. Having considered the rival contentions of the parties, the requisition and certificate case not be issued composite under the P.D.R Act. If the Certificate Officer received the requisition, he has to make entry of his satisfaction of the amount of requisition as well as he has to issue certificate in the form prescribed and has to make



specific statement about the satisfaction of demand made against the petitioner. But, in the present case, it is nothing but a requisition-cum-certificate, which cannot be approved by this Court as is apparent is illegal in view of the provisions of the P.D.R. Act inasmuch as the order of rejection of the objection of the petitioner is *per se* illegal does not disclose any reason, but abruptly passed the order in one line, at the same time the body warrant has been issued, which is also completely illegal and not sustainable in law.

7. In view of the aforesaid discussions, the requisition-cum-certificate dated 31.07.2014 and the order of body warrant dated 16.04.2015 are hereby quashed with the liberty to the respondents to issue fresh requisition in accordance with law, if they so like, in turn, the Certificate Officer will take action under the P.D.R. Act. On receipt of notice, the petitioner is also directed to co-operate in the disposal of the proceeding, if started.

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

(Shivaji Pandey, J)

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