

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9347 of 2017

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Wakil Choudhary, S/o Late Sugandh Choudhary, Prop. of M/s Jai Maa Laxmijee
Mini Rice Mill, R/o Vill- Narayana Gadh, P.S.- Piro, Dist- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.
3. The District Magistrate, Bhojpur.
4. The Certificate Officer, Bhojpur.
5. The District Manager, Bihar State Food Corporation, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4

Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-07-2017

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

In this case, the petitioner is challenging the order dated
2.6.2017 passing in Certificate Case No. 38 of 2014-15 for realization
of an amount of Rs. 60,28,919.04/- as the petitioner did not deposit
the proportionate CMR in terms of the agreement which led to
institution of certificate proceeding.

The petitioner has filed objection, the order-sheet shows
that on 13.7.2015 both the parties were absent and direction was to
issue notice to both sides to remain present and place their respective



cases. On 15.6.2016, an order was passed to place the case on 15.7.2016 but it appears that after one year the case was fixed on 2.6.2017 and rejected the objection petition without consideration but, by a single word, issued the body warrant of arrest against the petitioner.

Without disclosing any reason, the order per-se is illegal, the order-sheet itself does not disclose the case was fixed on 2.6.2017 and also does not disclose that the notice was given to the petitioner of this date and, without fixing the date of case, passed the order which per-se is illegal.

Accordingly, the order dated 02.06.2017 passed in Certificate Case No. 38/2014-15 is quashed.

The matter is remanded back to the Certificate Officer, Bhojpur who, after giving an opportunity of hearing and considering the objection, will pass a reasoned order.

This application is, accordingly, allowed to the aforementioned extent.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2017
Transmission Date	NA

