

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10142 of 2017

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Atulya Kumar Singh, S/o Late Rajkishore Singh, Prop. of M/s Sagar Mini Rice Mill, R/o Vill- Babhniaon, P.S.- Jagdishpur, Dist- Bhojpur.

.... Petitioner

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, Ara.
4. The Certificate Officer, Bhojpur, Ara.
5. The District Manager, Bihar State Food Corporation, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
For the Respondent/s : Mr. S. Raza Ahmad- A.A.G.-5
Mr. Alok Ranjan, A.C. to A.A.G.-5
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-07-2017

Heard learned counsel appearing for the respective parties.

2. In this case, the petitioner is challenging the order dated 02.06.2017 passed by the Certificate Officer, Bhojpur, Ara, in Certificate Case No.1 of 2016-17, whereby and where-under he has issued Body Warrant against the petitioner without disposing the objection filed by the petitioner.



3. Learned counsel for the petitioner submits that the petitioner has filed a detailed objection, but without taking into consideration the same, the present order has been passed against the petitioner, which is completely arbitrary exercise of power.

4. In such view of the matter, the order dated 02.06.2017 passed by the Certificate Officer, Bhojpur, Ara is set aside. The matter is remanded back to the Certificate Officer, who will be obliged to consider the objection filed by the petitioner.

5. At this stage, learned counsel for the petitioner submits that if after reconciliation of the account, if it is found that the petitioner has to pay certain amount, then he will pay the same as early as possible, vice versa, if it is found that it the Corporation, who has to pay the amount, in such circumstance, the Corporation will return the same.

6. This Court feels that this offer is not very unrealistic offer. Let the Certificate Officer reconcile the amount and if it is found that the petitioner has to pay certain amount, then as per the statement made at Bar, he will deposit the same within one month, but if it is found that it is the Corporation has to pay certain amount, then the Corporation will be obliged to return the amount



to the petitioner within the aforesaid period.

7. With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	31.07.2017
Transmission Date	N/A

