

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9509 of 2017

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Uma Shankar Rai S/o Late Lakshman Rai Prop. of M/S Vindhya wasini Rice Mill,
R/o Vill. - Dev Chanda, 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, Ara.
4. The Certificate Officer, Bhojpur, Ara.
5. The District Manager, Bihar State Food Corporation, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. Sanjay Kr.Giri-GP9

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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 the present case, the petitioner is challenging the order
dated 2.6.2017 passed in Certificate Case No. 30 of 2014-15 by which
the body warrant has been issued against the petitioner.

The matter relates to Certificate Case No. 30 of 2014-15
for realization of an amount of Rs. 7,93,26,667.89/- as the petitioner
did not supply the proportionate CMR. A proceeding under the P.D.R.
Act has been initiated. The order-sheet itself shows that in what
manner the Certificate Officer, Bhojpur, Ara has conducted the
certificate proceeding. It appears that on 22.4.2015, the notice was
issued to the SFC, the next order is dated 22.5.2015 which shows that



the service report awaiting, again the order dated 15.6.2015 indicates an order for placing the case again on 15.7.2015 and on 2.6.2017 he has issued the body warrant. This type of proceeding cannot be approved by this Court. The court of Certificate Officer is not a Kaji court but is required to discharge his duty as a quasi judicial body. It appears that the Certificate Officer has not applied his judicious mind while passing the order.

Accordingly, the order dated 2.6.2017 passed in Certificate Case No. 30 of 2014-15 is quashed.

The Certificate Officer, Bhojpur, Ara is directed to issue notice to the petitioner and ask the petitioner to file an objection and after receipt of the same, he will dispose it of on merit by passing a reasoned order and, only thereafter, he will be at liberty to take action in accordance with law.

With the aforementioned observation and direction, this application is allowed to the aforementioned extent.

(Shivaji Pandey, J)

Rishi/-

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

