

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12883 of 2016

=====

Ramesh Chandra Sinha ,son of Late Kedar Nath Sahay, resident of Mohalla-Santar, Near Kali Mandir, Purani Bazar, P.S. Lakhisarai, District Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies, Government of Bihar, Patna
2. The Bihar State Food Corporation, through Managing Director, Bihar State Food Corporation Daroga Rai Path, near Bihar State Consumer Redressal Forum, Patna
3. The Managing Director, Bihar State Food Corporation, Daroga Rai Path, Near Bihar State Consumer Redressal Forum, Patna
4. The District Manager, State Food Corporation, Sheikhpura, District Sheikhpura
5. The Certificate Officer, Sheikhpura cum Sub Divisional Officer, Sheikhpura, District Sheikhpura

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Deepak Sahay Jamuar, Advocate
For the Respondents : Mr. Anil Kumar-GP23
For the BSFC : Mr. Shailendra Kr. Singh,
Mr. Lalmani Sharma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

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

2. The present writ petition has been filed for quashing the entire proceeding including the order dated 16.03.2016 passed in Certificate Case No. 65 of 2015-16 whereby distress warrant has been issued against the petitioner; for quashing the order dated 21.03.2016 whereby bailable warrant has been issued; and for quashing the order dated 27.06.2015 whereby notice has been issued against him.



3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 65/2015-16 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 11,73,600/- are wholly illegal and liable to be quashed.

4. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 11,73,600/- recoverable in terms of the notice dated 27.06.2015 issued by the District Certificate Officer, Sheikhpura in Certificate Case No. 65/2015-16.

5. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

6. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

7. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Sheikhpura shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate



Case No. 65/2015-2016.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	.05.2018
Transmission Date	N.A.

