

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.684 of 2018

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Jitendra Prasad S/o Late Jawahar Sah, R/o Village- Mandhatapur, P.S. Srinagar,
District-West Champaran. A/p Village- Navgawan, P.S. Yogapatti, District-West
Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The District Certificate Officer, West Champaran, Bettiah
4. The Bihar State Food and Civil Supplies Corporation Ltd., through its Chariman, Patna.
5. The District Manager, State Food Corporation, Bettiah, West Champaran.
6. The Food Corporation of India, through its Chairman cum Managing Director, New Delhi.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Jai Prakash Verma, Advocate
For the State	:	Mr. S. Raza Ahmad- AAG5
		Mr. Alok Ranjan, AC to AAG 5
For the BSFC	:	Mr. Sanjeev Kr. Sinha, Advocate
For the FCI	:	Mr. Prabhakar Tekriwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for the following
reliefs –

“(i) For issuance of an appropriate writ, order or direction including a writ in the nature of certiorari for quashing the Certificate of Demand in Form No. 1 u/s 4 & 6 of the Bihar & Orissa Public Demands Recovery Act, 1914 issued by the District Certificate Officer (West Champaran) including letter no. 3899 dated 07.10.2013 in respect of filing of certificate case against the



petitioner for misappropriation of paddy, by way of which an arbitrarily claim of Rs. 48,84,507/-(Forty eight lacs eighty four thousand five hundred and seven only) has been made against the petitioner.

(ii) For issuance of an appropriate writ/order/direction including a writ in the nature of certiorari for quashing the entire proceeding in Certificate Case No. 08/2013-14 initiated against the petitioner including order dated 05.07.2017 by which B/W has been issued by the learned District Certificate Officer, Bettiah.

(iii) For grant of such other relief/reliefs as the petitioner may be found entitled to in the facts and circumstances of the instant case.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 08/2013-14 against the petitioner in terms of Sections 4 and 6 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 48,84,507/- 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. 48,84,507/- recoverable in terms of the order dated 05.07.2017 issued by the District Certificate Officer, West Champaran, Bettiah in Certificate Case No. 08/2013-14.

5. Learned counsel for the respondent-Corporation 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. Be that as it may, 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 four 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 District Certificate Officer, West Champaran, Bettiah shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 08/2013-14.

8. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	N.A.

