

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18203 of 2017

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1. Manoj Thakur
2. Subodh Thakur Both sons of Late Gopi Thakur resident of Village - Lavopur
Narayan, P.S. - Mahnar, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur.
2. The District Certificate Officer, Vaishali at Hajipur.
3. The Block Development Officer, Mahnar, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Adv
Mr. Rajesh Kumar Goswami, Adv

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar State Food Corporation.

2. It is submitted on behalf of the petitioners that the entire proceedings in Certificate Case No. 42/2016-17 against the petitioners 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. 79,460/- are wholly illegal and liable to be quashed.

3. 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. 79,460/- recoverable in terms of the notice dated 23.01.2017 issued by the Certificate Officer, Vaishali at Hajipur in Certificate Case No. 42/2016-17.

4. Learned counsel for the respondent-Corporation submits that the petitioners do not appear to have filed any petition under Section 9 of the Act denying their liability, and as such there is no illegality in the action of the respondents.



5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioners to file their 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Vaishali at Hajipur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 42/2016-17.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2018
Transmission Date	NA

