

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10703 of 2018

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Santosh Kumar son of Late Halkhori Mahto @ Halkhori Mehta Resident of
Village - Deokali, P.S. - Obra, District - Aurangabad.

.... Petitioner/s

Versus

1. The Food & Consumer Protection Department through Principal Secretary,
Government of Bihar, Patna.
2. The District Magistrate, Aurangabad, District - Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Limited through its M.D.
Bihar at Patna.
4. The District Manager, Bihar State Food Civil Supplies Corporation Limited,
Aurangabad Dist - Aurangabad.
5. The Certificate Officer, District - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

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

- (i) For issuance of an appropriate writ in the
nature of certiorari for setting aside the entire
certificate proceeding bearing Certificate Case
No. 02/2017-18 pending before the Certificate
Officer, Aurangabad whereby and whereunder
the petitioner has been directed to deposit a
sum of Rs. 18,94,005/- as outstanding dues
under Public Demands Recovery Act.
- (ii) In the nature of certiorari also for setting aside
the order dated 07.03.2018 passed by the



Certificate Officer whereby and whereunder bailable warrant of arrest has been issued against the petitioner for non-payment of aforesaid dues.

(iii) For issuance of an appropriate writ in the nature of mandamus directing and commanding the respondents not to go ahead with certificate case or taking any coercive action against the petitioner.

(iv) In the nature of mandamus directing and commanding the respondent authorities to recalculate outstanding dues against the petitioner taking into petitioner's milling charges for 2011-12 and security amount to the tune of Rs. 50,000/- for the same year and also to take into account the milling charges, transporting and handling charges etc. dues against BSFC for the year 2012-13 and 2013-14 to the tune of Rs. 6,15,960/- approximately and also the amount of Rs. 2,50,000/- deposited on 14.04.2018.

(v) And for issuance of any other relief or reliefs for which the petitioner is entitled for.

2. Learned counsel for the petitioner makes a specific statement in para 10 of the writ petition that no prior notice was served upon the petitioner, but the matter proceeded on the basis of deemed service in terms of order dated 08.08.2017 and the petitioner became aware only upon bailable warrant having been issued against the petitioner.

3. Having regard to the nature of grievance, the writ petition is



disposed of granting liberty to the petitioner to file a 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, Aurangabad shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 02/2017-18.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2018
Transmission Date	NA

