

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9270 of 2017

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M/s Koshi Krishak Rice Mills, Ramchandra, Khagaria, through its Proprietor,
Vinod Kumar, Son of Sri Ramdeo Singh, resident of Village- Vidyadhar, P.S. &
District- Khagaria.

.... Petitioner

Versus

1. The Bihar State Food & Civil Supplies Corporation Pvt. Ltd. through its
Managing Director, Bihar, Patna.
2. The District Manager, Bihar State Food & Civil Supplies Corporation Pvt. Ltd.
Khagaria.
3. The District Certificate Officer, Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dronacharya, Adv.
For the Respondent BSFC	:	Mr. Nirmal Kumar, Adv.
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, Adv. AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-07-2018

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
22.05.2017 passed in Certificate Case No. 04 of 2014-15 whereby
distress warrant has been issued against the petitioner; for
quashing the order dated 29.05.2017 whereby bailable warrant
has been issued; and for quashing the order dated 28.07.2014
whereby notice has been issued against him.



3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 04/2014-15 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. 28,59,839/- 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. 28,59,839/- recoverable in terms of the notice dated 28.07.2014 issued by the District Certificate Officer, Khagaria in Certificate Case No. 04/2014-15.

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, Khagaria shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. . 04/2014-15.

(Vikash Jain, J)

A.K.V./Chandran

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

