

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17110 of 2015

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Ram Jee Singh Rice Mills, Rajpur, through its Proprietor Rajendra Singh, Son of Parshuram Singh, Resident of Village + P.O.- Rajpur, P.S.- Rajpur, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Rohtas at Sasaram
3. District Certificate Officer, Rohtas at Sasaram
4. Certificate Officer, Bikramganj, District- Rohtas.
5. Bihar State Food and Civil Supply Corporation Limited, Rohtas through its District Manager, Bihar State Food and Civil Supply Corporation Limited, Rohtas at Sasaram.
6. District Manager, Bihar State Food and Civil Supply Corporation Limited, Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Jitendra Prasad Singh
Mr. Arvind Kumar Pandey, Advocates.
For the BSFC : Mr. Shailendra Kumar Singh,, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner and learned
counsel for the Bihar State Food and Civil Supplies Corporation.

2. The present writ petition has been filed for setting aside the Certificate Case No. 02 of 2014-15 pending in the Court of Certificate officer, Bikramganj, Rohtas; also for setting aside the notice dated 03.09.2015 issued by the respondent no. 4 directing the petitioner to file show cause against issuance of warrant of arrest due to non-payment of certificate amount.



3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 02 of 2014-15 against the petitioner-Mill in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the PDR Act") for recovery of the dues amounting to Rs. 37,12,527/- are wholly illegal and liable to be quashed.

4. The immediate concern of the petitioner-Mill in this case is that a distress warrant has been issued against him in connection with the dues amounting to Rs. 37,12,527/- recoverable in terms of the notice dated 30.07.2014 issued by the Certificate Officer, Bikramganj, Rohtas in Certificate Case No. 02 of 2014-15.

5. Learned counsel for the respondent-Corporation appears and has been heard. However, no counter affidavit has been filed.

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, Bikramganj, Rohtas shall refrain from



executing the Distress Warrant for recovery of the dues against the petitioner in Certificate Case No. 02 of 2014-15.

8. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2018
Transmission Date	N.A.

