

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10538 of 2015

=====

Shreekant Sharma S/o Late Shyam Narayan Sharma, Resident of Village- Hati,
P.S.- Kako, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Sub-Divisional Officer, Jehanabad.
4. The Bihar State Food and Civil Supplies Corporation Ltd. through its Chairman, Patna.
5. The District Manager, State Food Corporation, Jehanabad.
6. The Additional Collector Cum Certificate Officer, Jehanabad.
7. The Food Corporation of India, through its Chairman cum Managing Director, New Delhi.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	: Mr. Manoj Kumar, Adv
For the BSFC	: Mr. Shailendra Kumar Singh, Adv
For the State	: Mr. M.P. Yadav, GP 23
	Mr. Arvind Kumar, AC to GP 23
For the FCI	: Mr. Prabhakar Tekriwal, Adv

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

I.A. No. 8569 of 2015

The interlocutory application has been filed with the prayer for amendment of the prayer in the writ petition by adding the following prayer—

“For issuance of writ in the nature of certiorari for also setting aside the order dated 06.08.2015 passed in Certificate Case No. 11/2014-15 by which distress warrant was issued by the Certificate Officer, Jehanabad, while bailable warrant was issued by him on 16.04.2015



which is challenged by the petitioner in this writ petition without considering the objection petition of the petitioners.”

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated to form part of the writ petition.

CWJC No. 10538 of 2015

3. The main writ petition has been filed for quashing the order dated 16.04.2015 passed by the Additional Collector-cum-Certificate Officer, Jehanabad in Certificate Case No. 11/2014-15 by which the Certificate Officer, Jehanabad ignoring valid objection of the petitioner directed the petitioner to pay the amount of Rs. 1,96,67,621/- and also issued bailable warrant against the petitioner. The order dated 16.04.2015 was passed without considering the objection filed by the petitioner and also dismissed the objection petition without any valid reason.

4. Learned counsel for the petitioner submits that the action of the respondents is wholly arbitrary and illegal as the objection petition filed under Section 9 of the PDR Act has been dismissed without any valid reason.

5. Learned counsel for the respondents appears and has been heard.

6. A perusal of the order dated 10.03.2015, it transpires that the objection petition filed by the petitioner has been rejected mechanically and without assigning reasons. The impugned action taken by the Certificate Officer was pursuant to the non-speaking order rejecting the petitioner's objection petition, which cannot be sustained.

7. In the above view of the matter, the order dated 16.04.2015 is set aside with a direction to the Certificate Officer to pass a speaking



order on the objection petition filed by the petitioner after grant of opportunity of hearing in accordance with law.

8. The Certificate Officer shall refrain from taking coercive steps against the petitioner until disposal of the objection petition filed in Certificate Case No. 11/2014- 15.

9. Interlocutory Application No. 7239 of 2015 for stay of the operation of the order dated 16.04.2015 as well as Interlocutory Application No. 4714 of 2017 for release of the petitioner from custody said to have become infructuous are also stand disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

