

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14873 of 2017

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Amarnath Pandey, aged about 45 years, son of Baliram Pandey, resident of village Harnathpur, P.S. Raghunathpur, District Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
5. The District Magistrate, Siwan
6. The District Manager, Bihar State Food and Civil Supplies Corporation, Siwan.
7. The Certificate Officer, Siwan.

.... Respondents

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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: 23-02-2018

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

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 14/2014-15 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. 34,30,057.80 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. 34,30,057.80 recoverable in terms of the notice dated 17.05.2017 issued by the Certificate Officer, Siwan in Certificate Case No. 14/2014-15.



4. Learned counsel for the respondent-Corporation submits that the petitioners 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.

5. 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Siwan shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 14/2014-15.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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