

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.516 of 2018

=====

Kamta Prasad S/o Late Ram Barat Prasad R/o Old Jakkanpur, P.S. Gardanibagh,
District - Patna

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supplies Department, Government of Bihar.
2. The District Magistrate, Nawada.
3. The District Certificate Officer-cum-Additional Collector, Nawada.
4. The Bihar State Food & Civil Supplies Corporation through its Managing Director, Sone Bhawan, Patna, Bihar.
5. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Patna, Bihar.
6. The District Manager, State Food Corporation, Nawada.

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv

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

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

I.A. No. 497 of 2018

2. This interlocutory application has been filed for
adding the following prayers in the writ petition:-

- (i) *For quashing the warrant of arrest order contained in memo no. 601 dated 12.12.2017 issued by the District Certificate Officer against the petitioner in Certificate Case No. 02/2016-17.*
- (ii) *For stay of the aforesaid order of warrant of arrest against the petitioner during the pendency of the present writ petition.*



3. Having regard to the nature of the prayer, the interlocutory application is allowed and the same is treated as forming part of the writ petition.

CWJC No. 516 of 2018

4. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 02/2016-17 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. 2,01,64,215.65 are wholly illegal and liable to be quashed.

5. 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. 2,01,64,215.65 recoverable in terms of the notice dated 12.12.2017 issued by the District Certificate Officer, Nawada in Certificate Case No. 02/2016-17.

6. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

7. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer, Nawada to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, on its own merits in accordance with law and in terms of Section 10 of the said Act within a



period of four weeks from the date of receipt/production of a copy of this judgment.

8. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, Nawada shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 02/2016-17.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2018
Transmission Date	NA

