

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2350 of 2018

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Ashutosh Mishra, S/o Shri Vyas Mishra, R/o Village- Patilar, P.S.- Chautarwa,
Distt- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. District Magistrate, West Champaran.
3. District Certificate Officer cum Superintendent Excise, West Champaran, Bettiah.
4. Sub Divisional Officer, Bagaha, Distt- West Champaran at Bettiah.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Adv

For the Respondent/s : Mr. VIVEK PRASAD-GP7

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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. 26/2016-17 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. 3,32,500/- 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. 3,32,500/- recoverable in terms of the notice dated 18.07.2016 issued by the Certificate Officer, West Champaran, Bettiah in Certificate Case No. 26/2016-17.

4. It is further submitted that an objection petition under Section 9 has already been filed vide Annexure-4, which is pending before the



Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, West Champaran, Bettiah 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.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, West Champaran, Bettiah shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 26/2016-17.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2018
Transmission Date	NA

