

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16641 of 2016

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M/s Shakti Rice Mill through its Proprietor namely Anita Devi @ Manju Kumari, Wife of Surendra Kumar, Resident of Village- Banka, P.S. Block-Ariari, District- Sheikhpura.

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Food & Civil Supply Department, Government of Bihar, patna.
2. That District Magistrate, Sheikhpura.
3. The District Certificate Officer, Sheikhpura.
4. The Sub-Divisional Officer, Sheikhpura.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate Mr. Arun Kumar, advocate
For the Respondent/s	:	Mr. Ajay Kumar, A.C. to G.P.-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-09-2019 The petitioner in the present case is seeking quashing of the entire certificate proceeding bearing Certificate No. 09/2014-15. It is contended by learned counsel for the petitioner that the petitioner has not been given an opportunity to file his objection with regard to the maintainability of the certificate proceeding and by unilateral action the Certificate Officer has issued warrant of arrest against the petitioner.

In course of hearing, learned counsel for the petitioner has placed before this court a copy of the



requisition for initiation of the certificate proceeding as contained in Annexure '1' to the writ application and the certified copy of the entire order-sheets which have been enclosed as Annexure '3'.

On perusal of the order-sheets of the proceeding it would appear that as back as on 22.08.2015, the petitioner appeared before the Certificate Officer, thereafter on all subsequent dates attendance was filed on his behalf. From the materials available on the record therefore it is evident that the petitioner had appeared pursuant to the notice to show cause but for several years he has not taken any steps to file his objection.

Learned counsel for the petitioner has submitted that one opportunity be given to the petitioner to file his show cause and in the meantime the execution of the distress warrant be stayed.

So far as opportunity to file show cause is concerned, it is always open to the petitioner to file his



show cause, however for purpose of giving some interim protection, this court tested the bonafide of the petitioner by calling upon learned counsel for the petitioner to ensure that the petitioner deposits a sum of Rs. 5 Lakhs immediately. This was done because learned counsel for the petitioner has been contending that the petitioner is willing to deposit the certificate amount if so determined after considering his objections.

Learned counsel for the petitioner has on instruction submitted that the petitioner shall deposit Rs. 5,00,000/- (Rupees Five Lakhs only) within a period of one month from today.

In the aforesaid view of the matter, let the execution of the distress warrant be remain stayed. The petitioner shall file his show cause within the said period after depositing the amount as aforesaid. It will be considered by the Certificate Officer in accordance with law and further order shall be passed accordingly. Till then, the warrant of arrest shall not be executed.



This Writ Application stands disposed off
accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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