

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18978 of 2019

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Sanjay Kumar Singh (Proprietor Sisodia Mini Road Mill) Son of Birendra Kumar Singh Resident of Village-Badua Ward no.12, P.O. and Police Station-Raghunathpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Patna.
3. The District Magistrate, Siwan.
4. The District Manager, Bihar Food Corporation, Siwan.
5. The Certificate officer Cum Additional Collector, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary
For the State	:	Mr.U.P. Singh, AC to SC-4
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-09-2019 Heard the parties.

In the nature of the order proposed to be passed by this Court, learned counsel for the parties agree that the writ application may be disposed off at this stage.

It appears that the Additional Collector, Siwan-cum-Certificate Officer has received a requisition and accordingly issued a certificate for recovery of a sum of Rs.4,80,797.61 from the petitioner. A notice to show cause issued in terms of Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914(hereinafter referred to as the 'Act of 1914'). The same has



been served upon the petitioner, still the petitioner has not appeared and did not chose to file his show cause. In these circumstances, warrant of arrest has been issued against the petitioner.

Learned counsel for the petitioner submits that earlier a certificate for a sum of Rs.1174607.70 had been issued against the petitioner and the petitioner had deposited the said amount but because of the calculation of the interest in terms of the provisions of the Certificate Manual a further demand of Rs. 4,80,797.61 has been raised. He submits that the petitioner is ready to pay the outstanding amount and in order to show his bonafide he will deposit a sum of Rs.4 lacs with the certificate officer within a period of two weeks from today and shall file his objection/show cause in terms of Section 7 of the Act of 1914 together with the receipt showing deposit of the said amount of Rs.4 lacs.

Learned counsel for the Corporation has opposed the writ application, however, in ultimate analysis it has been submitted that if the petitioner is ready to deposit the amount as stated above, the certificate officer may consider his objection and determine the liability in accordance with law.

In the given facts and circumstances of the case, this



writ application is being disposed off taking note of the undertaking of the petitioner that he would deposit a sum of Rs.4 lacs with the certificate officer within a period of two weeks from today and shall file his show cause before the certificate officer taking all such objections which may be available to the petitioner. This Court directs that on the petitioner depositing the aforesaid amount and submitting objection/show cause the same will be considered by the certificate officer in accordance with law and the liability of the petitioner shall be determined in terms of Section 9 of the Act of 1914.

Till next two weeks, the warrant of arrest issued against the petitioner shall not be executed. In case the petitioner satisfies the aforesaid undertaking and appears before the certificate officer, the warrant of arrest shall be recalled by the certificate officer.

(Rajeev Ranjan Prasad, J)

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