

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20612 of 2019

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1. Mithlesh Singh Son of Ramashish Singh, Resident of Village- Semra, Post-Shrikant, P.S. Puyar, District-Muzaffarpur.
 2. Vinod Kumar Singh Son of Ramashish Singh, Resident of Village-Semra, Post-Shrikant, P.S. Piyar, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Certificate Officer, Muzaffarpur District-Muzaffarpur.
3. The Branch Manager, Punjab National Bank, Khabra Branch, Muzaffarpur, P.O. Khabra, P.S. Kazi Mohammadpur, Anchal-Mushahari, District-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
For the State : Mr.Shashi Shekhar Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioners and learned counsel representing the State.

In view of some of the admitted facts of the case learned counsel for the parties agree that the writ application may be disposed off on its own merit on the basis of the materials available on the record.

It is not in dispute that on 15.12.2014 the petitioners had appeared before the Certificate Officer and filed their objections. The said objections remained pending even after receipt of the rejoinder from the Requisitioning Authority but subsequently instead of deciding the objections of the



petitioners and determining the liability in accordance with law, the Certificate Officer proceeded to issue a distress warrant against the petitioners by saying that no information with regard to the deposit of the amount has been furnished and, therefore, the distress warrant has been issued.

In the opinion of this Court, once the petitioners have appeared and filed their objections and a rejoinder thereto had also been filed on behalf of the Requisitioning Authority, the next step required to be followed by the Certificate Officer was to consider the objections and pass an appropriate order determining the liability of the petitioners. It is only after determination of the liability that the Certificate Officer could have called upon the petitioners to deposit the amount and the consequences of non deposit would have followed. Since in the present case it is evident from the records that the Certificate Officer has not yet decided the objections preferred by the petitioners and has issued the distress warrant as if the amount mentioned in the certificate proceeding, is the liability amount even before determination, this Court thinks it just and proper to set aside the order dated 26.07.2019 passed by the Certificate Officer.

The distress warrant issued against the petitioners is



quashed. Let the objections be considered and liability be determined within a period of three months from the date of receipt/production of a copy of this order.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

vats/ved

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