

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20656 of 2019

=====

Devendra Kumar Singh S/o Saheb Dayal Singh R/o Village- Karup, P.s.-
Sheosagar, Distt.- Rohtas Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna
2. The Managing Director Bihar State food and civil supplies corporation ltd, Patna
3. The District Magistrate Rohtas, Sasaram
4. The Certificate Officer Rohtas, Sasaram
5. The District Manager Bihar State Food and civil supplies Corporation, Rohtas, Sasaram

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Respondent/s : Mr. Md. Anisul Haque, AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner has shown from the order dated 27.09.2014 and 28.05.2015 of Certificate Case No. 34 of 2015-16 that on these two dates the Certificate Officer did not fix any date as a result whereof the petitioner was not aware of the date fixed in the matter. In fact on his own he had appeared on 27.09.2014 and submitted his objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act 1914. Copy of the objection petition was served on the requisitioning authority but thereafter, since no information with



regard to the date fixed in the records were made available, the petitioner did not appear.

It is further submitted that in any view of the matter, since the objection of the petitioner was available on the record, without considering the same the Certificate Officer, Rohtas, Sasaram was not justified in issuing the warrant of arrest against the petitioner. The certified copy of the entire ordersheets have been brought on record.

The order dated 13.07.2019 goes on to show that no service report of the warrant of arrest was being made available by the Officer-Incharge of the concerned Police Station. This gives reason to believe to this Court that the petitioner was not aware of the date fixed in the matter and subsequent action taken by the Certificate Officer by which warrant of arrest was issued against him.

Learned counsel for the State submits that in the given facts and circumstances of the case, instead of keeping the writ application pending before this Court, a direction may be issued to the Certificate officer (respondent no. 4) to consider the objection of the petitioner and pass an appropriate order thereon and at the same time the petitioner should undertake to appear before the Certificate officer on the next date.



In the given facts and circumstances of the case, this writ application is being disposed of giving liberty to the petitioner to appear before the Certificate officer, Rohtas, Sasram (respondent no. 4) on the next date fixed in the matter. For this purpose, the petitioner will be at liberty to inquire with respect to the next date from the office of the Certificate officer and the same will be made available to the petitioner. The objection preferred by the petitioner would be considered and disposed of by the Certificate officer within a period of two months from the date of receipt/production of copy of this order.

The warrant of arrest issued against the petitioner in Certificate Case No.34 of 2015-16 is hereby quashed and the same shall not be executed.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

