

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20329 of 2019

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Prop. Sahindra Kumar Yadav S/o Late Parmeshwari Yadav, Proprietor of A
One Rice Mill, R/o Bhagwanpur, Police Station- Saur Bazaar, District-
Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. The Bihar State Food and Civil Supplies Corporation, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Manager, State Food Corporation Limited, Saharsa.
5. The Managing Director, Food Corporation of India, Exhibition Road, Patna.
6. The District Magistrate, Saharsa.
7. The District Certificate Officer, Saharsa.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Advocate
For the Respondent/s	:	Mr.Anishul Haque, AC to AAG-5
For the BSFC	:	Mr.Shailendra Kumar Singh, Advocate
		Mr.Ranjan Kumar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-10-2019 Heard learned counsel for the petitioner and learned
counsel representing the Bihar State Food and Civil Supplies
Corporation Ltd.

Petitioner in the present case is seeking quashing of
the order dated 22.08.2019 passed in Certificate Case No.
18/2014-15 by the District Certificate Officer, Saharsa and a
prayer has been made to direct the respondent authorities to
release the petitioner from the civil prison from Saharsa jail. By
the impugned order the Certificate Officer has put the petitioner



in civil prison. The facts of the case disclosed in the writ petition would reveal that earlier after the final determination was made under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 vide order dated 21.04.2015 as contained in Annexure '7' to the writ application, the petitioner had moved this Court in C.W.J.C. No. 9620 of 2015 which was heard and disposed off vide its judgment dated 22.07.2015 as contained in Annexure '1' to the writ application. The operative part of the judgment passed by learned Co-ordinate Bench of this Court in C.W.J.C. No. 9620 of 2015 reads as under :-

"Let the petitioner file an appeal before the Appellate Authority within six weeks from today subject to payment of 25 % of the certificate debt money. No sooner the petitioner deposits the said amount and produce a receipt before the Certificate Officer, further proceeding of the Certificate Case no.18 of 2014-15 shall remain stayed including the order of attachment as also the order for issuance of non-bailable warrant/distress warrant against the petitioner until the Appellate Court decides the appeal of the petitioner in accordance with law. Further, for a period of five weeks from today, the distress warrant/non-bailable warrant issued against the petitioner shall not be given effect to."

It is not in dispute that after the aforesaid order was passed by the learned writ court, the petitioner neither filed the appeal before the appellate authority within the prescribed period nor he took any other steps in accordance with law. The



petitioner remained absconding and was evading service of the distress warrant and ultimately he landed in the civil prison.

In the aforesaid circumstance, this Court finds no illegality or infirmity in the impugned order dated 22.08.2019.

No ground for setting aside of the same is made out.

The writ application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

vats/ved

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