

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21399 of 2019

=====

Lal Babu Jaiswal Son of late Achche Lal Prasad @ Achchhelal Jaysawal
Resident of Chandan Nagar Post- Gulab Bagh, P.S.- Sadar, District- Purniya,
Proprietor of Lal Ji Raw Rice Industries.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary (food) food and consumer forum dept., Patna, Bihar.
2. The Collector Supaul, District- Supaul.
3. The Additional Collector cum Certificate Officer Supaul, District- Supaul.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd Supaul, District- Supaul.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Uday Prakash Shharma, Advocate
For the Respondent/s	:	Mr. Anisul Haque AC to AAG 5
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-10-2019 The petitioner is aggrieved by and dissatisfied with the order issuing distress warrant of arrest against the petitioner in Certificate Case No. 327 of 2014-15. By the impugned action the Certificate officer has issued a Distress Warrant even before disposal of the objection preferred by the petitioner in terms of Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as ‘the Act of 1914’).

Mr. N. K. Agrawal, learned Senior Counsel representing the petitioner submits that when the petitioner had already appeared and filed his objection under Section 9 of the



Act of 1914, it was incumbent upon the Certificate officer to proceed with the same and pass an appropriate order determining the liability of the petitioner which has not been done in the present case and the Certificate Officer has proceeded to take coercive action.

Learned counsel for the Bihar State Food and Civil Supplies Corporation Limited submits that in such circumstance appropriate direction may be issued to the Certificate Officer to consider the objection of the petitioner and pass an appropriate order thereon.

Learned counsel for the State is also present.

In the given facts and circumstance of the case, since it is not in dispute that the objection of the petitioner is pending consideration till date, the Certificate Officer (respondent no. 3) is hereby directed to consider the said objection and pass an appropriate order thereon within a period of three months from today from the date of receipt/production of a copy of this order.

Till determination of the liability, no coercive action shall be taken against the petitioner. The warrant of arrest issued shall not be executed against the petitioner.

It is expected that the petitioner shall appear on the date fixed in the matter and shall co-operate in disposal of the



objection. In case the petitioner wants to substantiate his objection, he can do so within a period of four weeks from today.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

