

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25252 of 2019

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Murari Rai, male, aged about 50 years, S/o Anirudh Rai, Proprietor of M/s
Suraj Mini Rice Mill, R/o Vill.-Shukulpura, P.S.-Kargahar, Distt.-Rohtas.

... .. Petitioner/s

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 Supply Corporation Ltd.
Khadya Bhawan, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Certificate Officer, Rohtas, Sasaram.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Adv.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-5
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 17-12-2019

The petitioner has challenged the order dated
28.05.2015 and 14.10.2019 passed in Certificate Case No.
93/2014-15, whereby the Certificate Officer, Rohtas has
issued distress warrant against the petitioner without



affording any opportunity to him to file his objection under Section 9 of the Public Demand Recovery Act, 1913 (*in short the Act*).

2. It has been submitted on behalf of the petitioner that no notice was issued to him for preferring any objection petition under Section 9 of the Act.

3. As opposed to the aforesaid contention, learned counsel for the State submits that deliberately the notice has been avoided by the petitioner so as to prevent the Certificate Officer from passing any order.

4. In any view of the matter, this Court, under the aforesaid circumstances, provides that if the objection petition under Section 9 of the Act, in the format provided for the same, is filed within a period of four weeks before the concerned Certificate Officer, the same shall be entertained and disposed off before the proceeding ahead in the matter.

5. In the meanwhile, the order issuing distress warrant, which has been challenged in the present petition, shall remain in abeyance.



6. If the objection petition is not filed, it would be open for the Certificate Officer to proceed against the petitioner in accordance with law.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.12.2019
Transmission Date	N/A

