

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22951 of 2019

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Jay Prakash Rajak, male, aged about 59 years, Son of Late Jageshwar Rajak,
Resident of Gulab Bagh, Chandan Nagar Chowk, P.S.- Sadar, District-
Purnea, Proprietor of M/s Jay Prakash Rice Mill, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.
3. The District Magistrate, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The Superintendent of Police, Purnea.
6. The District Manager, Bihar State Food and Civil Supplies Corporation, District - Madhepura.
7. The Certificate Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 05-02-2020

The petitioner has approached this Court for
quashing of the entire Certificate Case Proceeding No. 4 of
2014-2015, primarily on the ground that a disputed amount



has been declared to be the certificate amount recoverable from the petitioner.

2. It has been submitted on behalf of the petitioner that unless the amount so sought to be recovered from the petitioner is quantified, no certificate could have been issued. Apart from this, it has been submitted that without disposing of his objection petition under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (*in short the Act*), body warrant has been issued by the Certificate Officer *vide* order dated 12.05.2016. The Certificate Officer was under an obligation to dispose off the objection petition of the petitioner under Section 9 of the Act and pending such objection petition before it, no body-warrant ought to have been issued.

3. In view of the aforesaid submission, the Certificate Officer is directed to dispose off the objection petition of the petitioner under Section 9 of the Act within a period of 60 days from the date of the receipt/production of a copy of this order.

4. Till the time, the objection petition is disposed



off, the body warrant shall not be executed.

5. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.02.2020
Transmission Date	N/A

