

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.235 of 2020

Swami Jee Mini Rice Mill Diwane, Chand through its proprietor Sunil Kumar Singh, aged about 34 years, Male, son of Ramadhar Singh, resident of Village- Diwane, Post- Saukhara, P.S.- Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Food and Civil Supplies Department, Bihar, Government of Bihar, Patna.
2. The Director of Bihar State Food and Civil Supplies Corporation, Patna.
3. The District Manager of Bihar State Food and Civil Supplies Corporation Ltd. Kaimur at Bhabua.
4. The District Magistrate, Kaimur at Bhabua.
5. The Director of Accountant Administration and Self Employment cum Certificate Officer, Bhabua, District- Kaimur at Bhabua.
6. The Director of D.R.D.A. Bhabua, District- Kaimur at Bhabua.
7. The Deputy Development Commissioner, Kaimur at Bhabua.
8. The Block Development Officer, Chand, Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Pandey
For the Respondent/s	:	Mr.Arvind Ujjwal (SC-4)
		Mr. Raruth Nath Roy, AC to SC-4
For the B.S.F.C.	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2020 The present writ petition has been filed for quashing the order dated 31.10.2019, whereby and whereunder body warrant has been issued against the petitioner by the Certificate Officer, Kaimur at Bhabua.

The learned counsel for the petitioner has submitted that the petitioner has already filed objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914, however, without considering the same and without passing a final order, the Certificate Officer, Kaimur at Bhabua has issued the body warrant



only on account of non-appearance of the petitioner, for which also the petitioner cannot be blamed, since the power of the Certificate Officer has been delegated to the Director, D.R.D.A., Kaimur at Bhabua, which was never informed to the petitioner.

The learned counsel for the State submits that the Certificate Officer, Kaimur at Bhabua would definitely consider the objection filed by the petitioner and pass a final order in the on going certificate proceedings bearing Certificate Case No. 1 of 2014-15.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a direction to the Certificate Officer, Kaimur at Bhabua to consider the objection filed by the petitioner and pass final orders within a period of eight week of receipt/production of a copy of this order.

It is needless to state that till passing of the final order under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914, no coercive step shall be taken against the petitioner.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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