

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2127 of 2021

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Rakesh Kumar Singh alias Rakesh Kumar, Son of Late Yogendra Singh,
Proprietor of Raj Laxmi Rice Mill, resident of Rauja, P.s. Town Thana,
District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
3. Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar at Patna.
4. Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
5. District Manager, Bihar State Food and Civil Supplies Corporation, District Saran at Chapra.
6. District Certificate Officer, Saran, District Saran at Chapra.
7. The Officer In-Charge Town Police Station, P.S. Town Thana, District Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Anisul Haque, AC to AAG-5
For BSFC	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 06-12-2021

Petitioner seeks for following reliefs:-

“I. That the present writ application is being filed in the nature of *Certiorari* for setting aside the order dated 30.07.2020 (b series) passed in certificate case no. 10/2014-15 by the District Certificate Officer, Saran (Chapra) by which bailable



warrant has been issued against the petitioner, on the ground that the award has been passed by the learned arbitrator and the same is to be executed before the Court as defined under Section 2(e) of the Arbitration and Conciliation Act, 1996 and not before the Certificate Officer, Saran, District- Saran (Chapra).

II. That the present writ application is being filed in the nature of *Mandamus* for a direction to the Bihar State Food and Civil Supplies Corporation, District Saran Chapra to approach to the appropriate forum to execution of the award passed in Arbitration Case No. 02/2018 arising out of Request Case No. 142/2017 for execution of the award dated 14.07.2019 on the ground that the award passed by the arbitrator can only be executed before a competent court which is the District Judge and not the District Certificate Officer.”

This is not in dispute that in identical situation, a Division Bench of this Court in its order 29.11.2021 passed in C.W.J.C. No. 1418 of 2021 (Narendra Kumar Singh vs the State of Bihar and ors), has disposed of a writ petition with liberty to the petitioner to raise all objections as taken in the said case, in support of his objection under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914.

This application stands disposed of accordingly in terms of the said order dated 29.11.2021, in case of Nagendra Kumar Singh (supra), with the only modification that petitioner would appear before the Certificate Officer on 20.12.2021 at



10:30 am, when the date and time would be given, enabling the petitioner to place additional material, if any, in support of objection petition.

Accordingly, the order dated 30.07.2020 passed in Certificate Case No. 10/2014-15 by the District Certificate Officer, Saran (Chapra) by which bailable warrant has been issued against the petitioner is, hereby, quashed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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