

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14217 of 2023

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Mukti Prasad Singh, son of Sadhu Sharan Singh, Resident of Village-
Nayagaon, P.s. Barh, District-Bhagalpur-813201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary Co-Operative Department,
Govt. of Bihar, Patna.
2. The Principal Secretary Co-Operative Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd., Khadya Bhawan, R. Block, Patna.
4. The District Manager, State Food Corporation, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Co-operative Office-cum Certificate Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Sahay Jamuar, Advocate.
For the Respondent/s : Mr. Manoj Kumar Ambastha, SC-26.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 08-11-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

*“(i) For issuance of writ of
Cercorai for quashing order vide Memo
No. 1257 dated 15.07.2023 whereby and
where under issued by District Co-
Operation Officer, cum Certificate Officer,
Bhagalpur in compliance of criminal
court order in Cr. Misc. No. 20567/2017
issued warrant of arrest to petitioner
without following the provisions of PDR
Act, 1914 and direction to District
Certificate Officer to consider objection*



petition u/s 9 of PDR Act filed by petitioner.

(ii) For issuance of writ of mandamus for direction to Respondent No. 3 & 5 to pay Transporting cum handling bill amount of Rs. 12 Lakhs (Passed by DM, SFC, Bhagalpur) with godown rent amount of Rs. 7 Lakhs with interest till 2016-17 and adjust against claim amount by District Co-Operation Officer.

(iii) For issuance of writ direction to DM, Bhagalpur to pay amount with interest against Seized Government CMR and own wheat amount of Rs. 8 Lakhs with interest since 2017 and Confiscation Case No. 144/2017 dated 16.11.2017 pending before DM, Bhagalpur.”

3. Learned counsel appearing on behalf of the petitioner has stated that the certificate officer without considering the earlier direction given by this Hon’ble Court in CWJC No. 22914 of 2019 dated 02.01.2023 wherein this Hon’ble Court has directed as under:-

“(a) Petitioner shall appear in the office of the appropriate authority on 25.01.2023 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9/60 of the Act.

(b) The appropriate authority shall consider and dispose of the



petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner.”

4. Further it is stated that pursuant to the above direction the petitioner has filed his objections but the certificate officer without passing any order under Section 10 has straightaway issued the warrant of arrest. Learned counsel has stated that the issuance of the warrant of arrest is not only contrary to the provisions of the Act but also the directions issued by this Hon'ble Court.

5. Learned counsel appearing on behalf of the respondents has fairly accepted that the certificate officer has not followed the directions of this Hon'ble Court passed in CWJC No. 22914 of 2019 dated 02.01.2023.

6. Having regard to the above made submissions, the impugned order is set aside and the matter is remanded back to the certificate officer to comply with the directions of this Hon'ble Court passed in CWJC No. 22914 of 2019 dated 02.01.2023 duly taking into consideration the objections filed by the petitioner.

7. It is needless to mention that before passing any



order, the petitioner and any other interested persons shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the parties.

8. With the above observation, the present Writ Petition stands disposed off to the extent indicated.

(A. Abhishek Reddy , J)

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