

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9818 of 2016

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Saryu Singh Son of Late Sudarshan Singh Resident of village - Takiya Bazar,
Ward No. 2, P.S. Sasaram, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food Supply and Commerce Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Commerce Protection Department, Government of Bihar, Patna
3. The Bihar State Food and Civil Supply Corporation, through it's Managing Director, Sone Bhawan, Vee
4. The District Magistrate - Cum - Collector, Rohtas at Sasaram
5. The District Certificate officer, Rohtas at Sasaram
6. The District Manager, Bihar State Food and Civil Supply Corporation, Rohtas at Sasaram
7. The District Supply officer, Bihar State Food and Civil Supply Corporation, Rohtas at Sasaram
8. The Sub - Divisional Certificate Officer, Sasaram, District Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Adv.
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Adv.
	:	Mr. Utkarsha Utpal, Adv.
	:	Mr. Anand Kishore, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

6 26-07-2024 1. The Writ petition has been filed in the nature of *Certiorari* for quashing the entire Certificate Proceeding including Notice dated 12.07.2013 issued by the District Certificate Officer, Rohtas at Sasaram in Certificate Case No. 40/2013-14 with a direction to the petitioner to file his objection as to why Rs. 42,33,512.68/- may not be realized by him by way of certificate proceedings. Further relief sought is for quashing



the Order dated 04.04.2015 passed by the District Certificate Officer, Rohtas at Sasaram in Certificate Case No. 40 of 2013-14 by which a Warrant of Arrest dated 08.01.2016/11.01.2016 has been issued against the petitioner. Further relief sought by the petitioner is to quash the order of Attachment dated 10.02.2016, as the Certificate Officer has not decided the objections of the petitioner dated 30.10.2013 which was filed by him on 07.11.2013.

2. Heard Learned counsel for the petitioner as well as Learned counsel for the respondents. Perused the records.

3. Without going into the merits of the case, it is evident that the Attachment of Property of the petitioner and Warrant of Arrest were issued by the Certificate officer on different dates without deciding the objections filed by the petitioner dated 30.10.2013 for which the present Writ petition is filed.

4. Admittedly, it is the incumbent duty of the Respondent-Certificate Officer to decide the objections prior to passing of any order under Section 10 of the Public Demand Recovery Act and in the present case without deciding the objections, the Certificate Officer has issued Warrant of Arrest as well as Attachment of Property which is unwarranted.



Therefore, the Certificate Officer is directed to decide the objection of the petitioner first and then to pass any appropriate order under Section 10 of the Public Demand Recovery Act. Till then, the respondents shall not proceed with the Execution of Warrant of Arrest or of Attachment of property. The Certificate Officer shall pass a detailed order within three months from the date of receipt/production of copy of this order.

5. With the aforesaid observation, the present Writ petition stands disposed of.

6. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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