

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12716 of 2017

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Ravindra Kumar Singh S/o Late Suresh Singh resident of village - Sardiha
Kala, P.S. - Kutumba, Dist - Aurangabad.

... .. Petitioner/s

Versus

1. The Food And Consumer Protection Department Through The Principal Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad, District - Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Aurangabad, Dist. Aurangabad
5. The Certificate Officer, Aurangabad, District - Aurangabad.
6. The Superintendent of Police, Dist. - Aurangabad.
7. The Officer in charge Kutumba Police Station Dist - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr.Manish Kumar-Gp4
	:	Mr. Shailendra Kr. Singh, Advocate
	:	Mr. Utkarsha Utpal, Advocate

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

Date : 02-09-2025

1. The present Writ petition has been filed to set aside the letter contained in Memo No. 693 dated 07.06.2017 issued under the signature of Superintendent of Police, Aurangabad whereby and where under the Officer in-Charge of Kutumba Police Station has been directed to execute the warrant of arrest and to seize the property of the petitioner in



Certificate Case No. 26/2014-15. Further, to direct the respondent authorities to produce the order passed in Certificate Case No. 26/2014-15 whereby the warrant of arrest has been issued against the petitioner. Further relief sought is to set aside the letter as contained in Memo No. 1044 dated 20.07.2017 issued by the Certificate Officer, Aurangabad whereby a date has been fixed to lay down the condition of auction of the property of petitioner which was fixed on 30.07.2017 though notice was received by the petitioner on 09.08.2017.

2. This Court vide order dated 11.09.2017 directed the BSFC to file a counter affidavit and further directed that in the meantime, no coercive action shall be taken against the petitioner.

3. During the course of arguments, the Learned counsel for the petitioner submitted that the petitioner had filed a request case before the Hon'ble Chief Justice, Patna High Court, wherein an arbitrator was appointed.

4. Being aggrieved by the Order of the Hon'ble Chief Justice passed in the said request case,



the respondents have preferred a Special Leave Petition and the same was dismissed by the Hon'ble Apex Court.

5. It is further submitted by the Learned counsel for the petitioner that the Arbitrator has passed an award after considering the submissions of both the parties. However, he was not aware whether the BSFC had preferred any appeal against the said Award under Section 34 of the Arbitration and Conciliation Act, 1996.

6. On the other hand, the Learned counsel for the respondents contended that he too was not aware whether any appeal had been preferred against the Award and further stated that he had no instruction regarding the arbitration proceedings.

7. However, the submissions made by the Learned counsel for the petitioner are not part of the pleading before this Court. The petitioner has approached this Court against the warrant of arrest and notice issued under Section 7 of the Act in Certificate Case No. 26/2014-15.



8. The petitioner, inspite of receiving the notice did not appear before the Certificate Officer, for which a warrant of arrest was issued by the Certificate Officer. The petitioner was, however, protected in view of the orders of this Court dated 11.09.2017 and no coercive steps have been taken against the petitioner till date.

9. Admittedly, there is an alternative statutory remedy by way of filing objections under Section 9 of the Act before the Certificate Officer. The subsequent developments as submitted by the Learned counsel for the petitioner though not part of the pleadings can be raised in such objections before the Certificate Officer.

10. Therefore, the petitioner is directed to file objections, raising all his pleas and is also permitted to bring all the subsequent developments before the Certificate Officer, under Section 9 of the Act within one month from the date of receipt of this order along with the copy of this Order, to enable the Certificate Officer to pass necessary order under Section 10 of the Act.



11. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner and shall consider all the relevant documents filed by the petitioner including the subsequent developments in this case. Any order passed shall be duly communicated to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of three months, from the date of filing of the objections by the petitioner. Till then no coercive step shall be taken against the petitioner.

12. With the aforesaid observation, the Writ petition stands disposed of.

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

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.09.2025
Transmission Date	N/A

