

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15717 of 2019

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Jitendra Kumar Mahto S/o Sahdeo Mahto proprietor of Jai Maa Rice Mill,
Resident of Vill. and P.o.- Parsaghar Bazar, P.s.- Ekma, Distt.- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar at Patna
2. The Managing Director Bihar State Food and Civil Supplies Corporation Ltd., Office at Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna-800001
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Rai Path, R-Block, Road No. 2, Patna-800001
4. The District Manager Bihar State Civil Supplies Corporation, Saran
5. The District Certificate Officer Nawada, Distt.- Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (SC4)
For the BSFC		Mr. Shailendra Kumar Singh, Adv.
		Mr. Utkarsh Utpal, Adv.

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

7 06-07-2026 1. The Writ petition is filed for the following
reliefs:

i. That the present Writ application is being filed for the release of the petitioner who has been arrested in Certificate Case No. 7/2014-15, on the ground that it is an ex-parte proceeding, the arbitrator is appointed for the settlement of the dispute between the parties.



ii. That the present Writ application is being filed in the nature of Mandamus for a direction to take no coercive steps against the petitioner in Certificate Case No. 07/2014-15 pending in the Court of district Certificate Officer, Saran till the final order of the outcome of the arbitration arising out of Request Case No. 42 of 2019 is not decided; on the ground that the certificate court is executing court and it cannot decide the dispute between the parties and the arbitration proceeding need to be decided with regard to the rights and liabilities;

iii. For any other relief/reliefs that the petitioner is entitled for.

2. During the course of arguments, the Learned counsel for the petitioner submitted that the petitioner has been released and, therefore, the first prayer has become infructuous. However, he contended that Certificate Case No. 7 of 2014-15 is still pending before the District Certificate



Officer.

3. Having regard to the aforesaid submission and taking into consideration that the petitioner has not yet filed his objection under Section 9 of the Act, this Court directs the petitioner to file his objection under Section 9 of the Act before the Certificate Officer/concerned authority within a period of three months from the date of receipt of this order. Upon such objection being filed, the concerned authority shall pass a reasoned order under Section 10 of the Act within three months from the date of filing of the objection.

4. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.

5. With the aforesaid observations, the Writ petition stands disposed of.



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

(G. Anupama Chakravarthy, J)

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