

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1165 of 2021

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Prem Kumar Pandey, Son of Maninath Pandey, Resident of Village Barka Gaon, P.S.-Belaown, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. The Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path R-Block, Road No.2, Patna-800001
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation office at Khadya Bhawan, Daroga Prasad path, R-Block, Road No.2, Patna-800001.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District-Kaimur.
6. The District Certificate Officer, Kaimur, District-Kaimur.
7. The Officer In-Charge, Belaown, P.S.-Belaown, District-Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5
		Mr. Arvind Ujjwal, SC-5
		Mr. Anisul Haque, AC to SC-5
For BSFC	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate
		Mr. Utkarsh Utpal, 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)

5 20-12-2021

Heard learned counsel for the parties.

2. The petitioner has put to challenge the entire certificate proceeding of Certificate Case No. 44/2014-15



pending before the District Certificate Officer, Kaimur at Bhabhua on the ground that the demand in question cannot be treated to be a public demand.

3. It appears that aailable warrant of arrest has been issued against the petitioner on 06.11.2019.

4. A counter affidavit has been filed on behalf of the District Magistrate, Kaimur at Bhabhua stating therein that the petitioner has not filed any objection stipulated under Section 9 of Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as 'the Act'). Relying on Supreme Court's decision in case of ***Central Coalfields Limited vs. State of Jharkhand*** reported in (2005) 7 SCC 492, it is submitted on behalf of the State of Bihar that even the question of jurisdiction of the Certificate Officer could be raised by the petitioner in his objection under Section 9 of the Act. It has also been argued that as the petitioner has not availed the alternative statutory remedy, this application deserves to be dismissed on that ground.

5. Be that as it may, considering the facts and circumstances of the case, this application is disposed of with an observation that, if permissible in accordance with law, the petitioner shall be at liberty to raise his objection under Section 9 of the Act and take recourse to any other provision of law as



may be available to him.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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