

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21256 of 2019

Paras Kumar Jaiswal Son of Late Janki Prasad Jaiswal, resident of
Bageshwari Asthan, Gulab Bagh, P.S. Sadar, District- Purnea, proprietor M/S
Om Rice Mill, Purnea Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Civil Supplies,
Government of Bihar, Patna.
3. The District Magistrate, Purnea.
4. The Superintendent of Police, Purnea.
5. The District Certificate Officer, Purnea. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Bijoy Kumar Sinha, AC to AAG V
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ order/
direction in the nature of certiorari for quashing
the Certificate Case no. 678 of 2014-15 which
has been initiated against the petitioner on the
basis of certificate (form-1) which form part of
section-7 notice is contrary to the statutory rules
of Public demand Recovery Act, 1914 (herein
after referred as PDR Act for the sake of brevity)
as it is blank at many column, not properly
made, signed by the District Manager and not
served upon the petitioner thus amount to
defective notice and defective initiation of the
Certificate case.

(ii) For issuance of writ in the nature of



certiorari for quashing the Certificate Case no. 678 of 2014-15 which has been initiated against the petitioner under section 7 of the Public Demand Recovery Act 1914 on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation Ltd (hereafter refer BSFC) in serving the notice, without following the mandatory process as the Form-1 has not been properly filed up and also signed by the District Manager which proves that no independent application of mind is there, not properly verified which is in violation of the fundamental rights of the petitioner.

(iii) For issuance of writ in the nature of certiorari for quashing the Certificate Case no. 678 of 2014-15 which has been initiated against the petitioner under the Public Demand Recovery Act on the ground that disputed amount cannot be recover through the Certificate proceeding.

(iv) For issuance of an appropriate writ order/direction in the nature of certiorari for quashing the warrant of arrest issued by Certificate officer, Purnea in certificate case no. 678 of 2014-15.

(v) For the other reliefs which may be granted to the petitioner in the facts and circumstances of this case”

We are of the considered view that the present petition in its form is not maintainable.

Petitioner lays challenge to the certificate issued in terms of the request made by the Bihar State Food and Civil Supplies



Corporation Ltd.

We are of the considered view that the Corporation was a necessary and proper party.

Reading of the petition makes out that the petitioner is in effect challenging the order passed by the Bihar State Food and Civil Supplies Corporation Ltd, reference whereof is also there in the pleadings.

As such, we dispose of the present petition reserving liberty to the petitioner to file a fresh petition impleading the Bihar State Food and Civil Supplies Corporation Ltd as a party respondent.

As and when any such petition is filed, the same shall be processed and listed on priority basis.

The instant petition stands disposed of as withdrawn with the liberty/direction aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

