

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9221 of 2016

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Raju Gupta S/o Ashok Prasad @ Ashok Prasad Singh, Proprietor of M/s
Gupta Rice Mill R/o vill. Fesar, P.S. Fesar, Distt. - Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Aurangabad
2. The Bihar State Food and Civil Supplies Corporation Limited through its
M.D., Bihar at Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Aurangabad, District
4. The District Certificate officer, Aurangabad, District Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the Respondent/s	:	Mr. Umesh Kumar Roy, AC to GP 11
For the BSFC	:	M/s Shailendra Kumar Singh Utkarsh Utpal, Advocates

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

10 11-07-2024

Heard learned counsel for the parties.

2. The petitioner has filed the instant application
for the following reliefs:

*“(i) For issuance of writ in the nature
of Certiorari for quashing the certificate case no.
1/2014-2015, which was initiated against the
petitioner on the basis of certificate which forms part
of section 7 notice is contrary to the statutory rules of
Public Demand Recovery Act, 1914(herein after
referred as P.D.R.Act, 1914) as it is signed by the
District Manager, Aurangabad which is evident from
the order sheet attached in Annexure1 series to this
writ application thus amount to defective initiation of*



the certificate case. And further to quash the order dated 4.3.16, passed in certificate case no. 1/2014-2015, issuing warrant of arrest & distress warrant against the petitioner.

ii. For a direction that the subsequent Notice to the petitioner dated 29.8.14, issued by the certificate officer, Aurangabad (Respondent No.4) in pursuance of the certificate issued against the petitioner is also bad in law as such the notice u/s 7 of the P.D.R.Act be also quashed.

iii. For a direction that the B.S.F.C. is neither the state or the state government or the department or the official of the state government thus the written statement executed that the money will be recoverable as public demand, does not bring it under the ambit Bihar & Orissa Public Demand Recovery Act, 1914(herein after referred as P.D.R.Act, 1914) nor does it fall under the ambit of any schedule of the P.D.R.Act, 1914.

iv. For any other relief/reliefs to which the petitioner may be entitled to.

3. At the outset, Learned counsel for petitioner contended that since this matter is squarely covered under the under the judgment dated 08.09.2015 passed in **CWJC No. 13244 of 2015 (Ashok Kumar Singh Versus The State of Bihar & Ors.)**, this writ petition may also be disposed of on the same term and conditions.

4. Heard the learned counsel for the petitioner as well as the respondents.



5. In view of the fact that this matter is squarely covered by the aforesaid judgment, in the totality of the circumstances, I am of the opinion that the certificate issued in Form No. 1 signed by the District Manager of the BSFC and the Certificate Officer in the manner aforesaid is held to be invalid and is hereby quashed along with the notice under Section 7 of the Act issued in pursuance thereof. The matter is remitted to the Certificate Officer, Aurangabad for issuance of a fresh certificate as well as the notice under Section 7 of the Act and thereafter to proceed in the matter in accordance with law.

6. It is made clear that in the meantime, the Certificate Officer, Aurangabad, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 1 of 2014-15.

7. With the aforesaid observations, this writ petition stands disposed of in light of the judgment passed in Ashok Kumar Singh (supra).

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

(G. Anupama Chakravarthy, J)

Spd/-

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