

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8993 of 2016

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Akhilesh Jaishwal Son of late Achhilal Prasad Resident of Chadana Nagar,
Gulab Bag, PS Sadar, District Patna. Proprietor of Balaji Mini Rice
Mill, Gulab Bag, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection, Govt of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd, Patna.
4. The District Magistrate Patna.
5. The Additional District Magistrate, Patna.
6. The Certificate Officer, Patna.
7. The District Manager, Bihar State Food and civil supplies corporation ltd, Patna.
8. Anjani Kumar son of late Ram Chandra Prasad Resident of chadana Nagar, Gulab Bag, PS Sadar, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Gp4- Uma Shankar

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 19-11-2024

1. The petitioner has filed the Writ
application for the following reliefs:

*“(i) For issuance of an appropriate writ
order/ direction in the nature of certiorari for
quashing the Certificate Case no. 670 of
2014-15 which has been initiated against the
petitioner on the basis certificate which forms
part of section 7 notice in contrary to the*



statutory rules of Public Demand Recovery Act, 1914 (herein after referred as PDR Act) as it is blank at many column, not properly made signed by the District Manager as well as which is evident from the notice attached in Annexure-8 to this writ application thus amount to defective initiation of the certificate case.

(ii) For issuance of an appropriate writ order/ direction in the nature of certiorari for quashing the Certificate case no. 667 of 2014-15 which has been initiated against the petitioner under Section 7 of the Public Demand Recovery Act by which it is asked to pay amount of Rs. 27,06,035. 50 on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation (herein after referred as BSFC for the sake of brevity) in serving the notice, without following the mandatory process as the Form no. 1 has not been properly made, signed by the District Magistrate as well which prove that no independent application mind in there not numbered, not verified which is in violation of the fundamental right of the petitioner.



(iii) For issuance of an appropriate writ order/ direction in the nature of certiorari for quashing the entire order sheet and the final order dated 9.3.2016 passed in certificate case no. 670 of 2014-15 on the ground that the same is back dated, not made under the capacity of certificate Officer rather the same is under capacity of A.D.M. Purnea, without the proper certificate or requisition under the Public Demand Recovery Act, 1914 and thus the whole process is without jurisdiction.

(iv) For issuance of an appropriate writ order / direction in the nature of certiorari for quashing the final order dated 9.3.2016 passed in certificate case no. 670 of 2014-15 on the ground that the same is passed without following the principles of natural justice on a back, under the capacity of A.D.M., Purnea and not on the capacity of Certificate Officer.

(v) For issuance of an appropriate writ order/direction in the nature of certiorari for quashing the final order dated 9.3.2016 passed in certificate case no. 670 of 2014-15 on the ground that non-maintainability of the objection filed by the petitioner cannot be ground for passing the order under section 10



of the PDR Act as it is a statutory right given under the Act.

(vi) For issuance of writ of mandamus commanding upon the respondent authorities to adjust the bill amount of the respondent no.8 against the milling, transporting, and handling cost in the outstanding dues of the petitioner due to non lifting of the CMR (Rice) from the mill of the petitioner for which the respondent no.8 has requested to respondent authorities.

(vii) For directing the respondent to not take any coercive action against the petitioner till the settle the account of the petitioner.

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

2. At the outset, Learned counsel for petitioner contended that since this matter is squarely covered under the under the judgment passed by this Court in **CWJC No. 11206 of 2016 (Badri Prasad Gupta Versus The State of Bihar & Ors.)** reported in **2018(3) PLJR 43**, this writ petition may also be disposed of on the same term and conditions.



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

4. In view of the fact that this matter is squarely covered by the aforesaid judgment, the Writ application is allowed and the Certificate Case No. 670 of 2014-15 is quashed. It will be open to the respondents to proceed afresh in the certificate proceedings, if permissible under the law.

5. With the aforesaid observations, this writ petition stands disposed of in light of the judgment passed in **Badri Prasad Gupta (supra)**.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2024
Transmission Date	

