

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9088 of 2016

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M/s Manokamma Mini Rice Mill son of Sri Achchelal Prasad, Resident of
Gulab Bagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, District Purnea
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,
Purnea, District- Purnea
4. The A.D.M.-cum-District Certificate Officer, Purnea, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Sumeet Kumar Singh Shivam Singh Kumar Vikram Alka Singh, Advocates
For the State	:	Mr. Md. Irshad, AC to SC 18
For the BSFC	:	M/s Shailendra Kumar Singh Utkarsh Utpal, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 29-10-2024

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

*“(i) That the present Writ application
is being filed for issuance of an appropriate Writ
order/ direction(s) in the nature of Certiorari for
quashing the certificate case no-672 of 2014-2015
which has been initiated against the petitioner on the
basis 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" for the sake of brevity) as it is blank
at many column, not properly made, signed by the*



District Manager as well which is evident from the notice attached in Annexure-9, 9/A to this Writ application thus amount to defective notice and defective initiation of the certificate case;

II. That the present Writ application is being filed for issuance of an appropriate Writ order/ direction(s) in the nature of Certiorari for quashing the certificate case no-672 of 2014-2015 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.1,67,76,990.56 /; on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation, Purnea (herein after referred as "B.S.F.C" 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 Manager as well which proves that no independent application of mind is there, not numbered, not verified which is in violation of the fundamental rights of the petitioner;

III. That the present Writ application is being filed for issuance of an appropriate Writ order/ direction(s) in the nature of Certiorari for quashing the entire ordersheet and the final order dated 08.03.2016 passed in certificate case no-672 of 2014-2015; on the ground that the same is back dated, not made under the capacity of Certificate Officer rather the same is under the capacity of A.D.M, without the proper certificate or requisition under the Public Demand Recovery Act, 1914 and thus the whole process is without jurisdiction; IV. That the present Writ application is being filed for issuance of



an appropriate Writ order/ direction(s) in the nature of Certiorari for quashing the final order dated 08.03.2016 passed in certificate case no-672 of 2014-2015; on the ground that the same is passed without following the principles of natural justice, on a back date, under the capacity of A.D.M, Purnea and not on the capacity of Certificate Officer;

V. That the present Writ application is being filed for issuance of an appropriate Writ order/ direction(s) in the nature of Certiorari for quashing the final order dated 08.03.2016 passed in certificate case no-672 of 2014-2015; 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 P.D.R. Act, 1914 as it is a statutory right given under the Act;

VI. That the present Writ application is being filed for issuance of an appropriate Writ order/ direction(s) in the nature of Certiorari for quashing the warrant of arrest dated 29.03.2016 passed in certificate case no-672 of 2014-2015; on the ground that the same is without giving mandatory requirement of 15 days, blank at places, violating the fundamental rights of the petitioner;

VII. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

2. At the outset, Learned counsel for petitioner contended that since this matter is squarely covered under the judgment dated 08.09.2015 passed in **CWJC No. 13244 of 2015 (Ashok Kumar Singh Versus The State of Bihar & Ors.)** of



this Court, 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, 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, Purnea 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.

5. It is made clear that in the meantime, the Certificate Officer, Purnea, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 672 of 2014-15.

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

7. Interlocutory Application(s), if any, shall stand



disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	

