

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14327 of 2017

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Anil Kumar S/o Shri Ramadhar Prasad, Resident of Village- Kodarkat, P.S.-
Chhauradano, District- East Champaran, Proprietor of M/s Gunjan Rice Mill,
Motihari, East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
3. The District Manager, State Food Corporation Limited, East Champaran.
null null
4. The District Magistrate, East Champaran at Motihari.
5. The Certificate Officer, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Giri -GP 9
		Mr. Manoj Kumar, AC to GP 9
For the BSFC	:	Mr. Shailendra Kumar Singh
		Mr. Utkarsh Utpal, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-06-2025

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

*“i. Quashing the order dated
05.09.2016 passed in the Certificate
Case No. 10/14-15 by which the
Certificate Officer has rejected the
objection filed by the petitioner in a
mechanical manner without even
considering the objection of the
petitioner, in a very cryptic manner vide*



an order which is non- speaking to the core and has ordered him to pay the entire sum without following the procedure laid down in Section 10 of the Act.

B. To any other relief/s to which the petitioner is found entitled to.

2. At the very outset, Learned counsel for the parties contended that since this matter is squarely covered under the judgment passed by the Hon'ble Supreme Court of India in the case of **Pawapuri Rice Mills Versus Bihar State Food and Civil Supplies Corporation Ltd. & Ors. and other analogous cases** reported in **2024 SCC OnLine SC 3777**, this Writ petition may also be disposed of on the same terms and conditions.

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

4. The Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)** has observed as follows:

"41. We have perused the record



and are of the view that the Rice Millers invoked the writ remedy by raising a jurisdictional fact against realising the sums as a public demand under the Act. As a writ court or in an appeal under Article 136, we are not examining the contentions on alleged procedural deviations. We, however, leave it open to the respective Rice Millers to avail a statutory remedy as may be available under the Act. For availing a statutory remedy, we grant thirty days from today to the Rice Millers.

42. In the event of a Rice Miller availing a statutory remedy as permitted by this Judgment, the said authority shall entertain the case without reference to the delay and the period of limitation in availing a remedy before the said authority. With the above observation, the civil appeals stand dismissed. No order as to costs. "

5. Taking into consideration of the **Pawapuri Rice Mills (supra)** that the petitioner has a statutory remedy for filing an appeal under



Section 60 of the Bihar & Orissa Public Demand Recovery Act, 1914, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the appropriate authority. The delay in filing the appeal shall be condoned by the authority concerned, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2025
Transmission Date	

