

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16216 of 2017

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M/s Bara Rice Mill, Through Its Proprietor Sri Shailesh Kumar Singh son of late Gouri Shankar Singh resident of village Bara P.S. Khokhashi, District Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food Consumer and Protection Department, Government of Bihar, Patna
2. The District Magistrate, Madhepura.
3. The Certificate Officer, Madhepura.
4. The Bihar State Food and Civil Supplies Corporation through M.D., B.S.F.C., R - Block, Patna.
5. The District Manager S.F.C. Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal SC4
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 : 17-06-2025

1. The Writ petition is filed with the following reliefs:-

“That this writ petition is being filed by petitioner for issuing of writ/writs for quashing vide order dated 01.07.2017 and vide order No. 62 dated 01.07.2017 in



*Certificate Case no. 10/2014-15
whereby and whereunder the
District Certificate Officer,
Madhepura has issued attachment
of proprietor without any notice to
petitioner and without following the
section 36 of Arbitration and
conciliation Act 1996 and for any
other relief(s) for which the
petitioner to found to be entitled in
the facts and circumstances of the
case.”*

2. Without going into the merits of this case, it can be construed that the petitioner has not preferred any appeal provided under Section 60 of the Bihar & Orissa Public Demand Recovery Act, 1914. Without availing the remedy of appeal the present Writ petition is filed to quash the certificate proceeding bearing Certificate Case No. 10 of 2014-15 issued by the 3rd respondent.

3. A detailed counter affidavit is also filed



by the respondents contending that the Writ petition is itself not maintainable in view of the fact that any order passed under Section 10 of the Bihar & Orissa Public Demand Recovery Act, 1914 is appealable under Section 60 of the Bihar & Orissa Public Demand Recovery Act, 1914.

4. On perusal of the record, it is evident that Section 60 of the Bihar & Orissa Public Demand Recovery Act provides for provision of appeal for orders passed under Section 10 of the PDR Act.

5. Taking into consideration that the petitioner has an alternative 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	17.06.2025
Transmission Date	

