

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16068 of 2017**

Vibhore Kumar Son of Ravindra Prasad Gupta, Proprietor of M/S Lakshmi Rice Mill Khijarsarai Gaya, resident of Village- Khijarsarai, P.S.- Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

1. The Food And Consumer Protection Department through Its Principal Secretary, Bihar at Patna
2. The State of Bihar through District Magistrate, District- Gaya.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Gaya, District- Gaya
5. The District Certificate Officer, Gaya, District- Gaya.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                     |
|----------------------|---|-------------------------------------------------------------------------------------|
| For the Petitioner/s | : | M/s Sumeet Kumar Singh<br>Alka Singh<br>Shivam Singh<br>Satyendra Prasad, Advocates |
| For the State        | : | Mr. S.Raza Ahmad -AAG 5<br>Mr. Vishwambhar Prasad, AC to AAG 5                      |
| For the BSFC         | : | Mr. Shailendra Kumar Singh<br>Mr. Utkarsh Utpal, Advocate                           |

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL JUDGMENT**  
**Date : 17-06-2025**

1. The petitioner has filed the Writ petition  
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-19 of 2015-2016 which has been initiated against the petitioner on the basis certificate*



*(Annexure-15/A, 15/B) 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, incorrect blank at many places which is evident from the Annexure-15/A, 15/B to this writ application thus amount to defective notice and defective initiation of the certificate case;*

*II. For issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for setting aside the certificate case bearing certificate case no-19 of 2015-2016 as the same is issued by the respondent no-5 under the Public Demand Recovery Act by which it is asked to pay amount on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation, Gaya (herein after referred as "B.S.F.C" for the sake of brevity) as no proper notice under section-7 served to the petitioner and also the process pursuant to the notice has been issued without following the due process of law and without following the mandatory provisions of*



*law which is in violation of the fundamental rights of the petitioner;*

*III. For issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for setting aside the entire order sheet in the certificate case bearing certificate case no-19 of 2015-2016 (Annexure-16) issued by the respondent no-5 under the Public demand recovery act as the process cannot be issued when the whole action is without jurisdiction;*

*IV. For issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a direction to stay the certificate case no-19 of 2015-2016 pending in the Court of District Certificate Officer, Gaya;*

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

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/-

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 17.06.2025 |
| Transmission Date |            |

