

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7432 of 2025

-
1. M/S- Muzaffarpur Modern Rice Mill through its Partners Gayasuddin Ansari, Aged about 50Years, Male, Son of Md. Yunus. Ansari, Resident of - H35 Abul Fazal Enclave, Jamia Nagar okhla, New Delhi- 25.
 2. Ashok Rai Son of Manoj Rai, Resident of Village- Chadhuan, P.S- Kudhani, District- Muzaffarpur.
 3. Pintu Sah Son of Sri Nathuni Sah, Resident of Village- Dhamauli, P.S.- Kanti, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supplies Department of Bihar, Patna,
2. Biha State Food and Civil Supplies Corporation through its Managing Director, Sone Bhawan Beerchand Patel Path Patna- 800001
3. The Managing Director, Food and Civil Supplies Corporation Office, Sone Bhawan Beerchand Patel Path Patna.
4. The Collector Cum Certificate Officer, Muzaffarpur.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Chandra Market Nayatola, P.S.- Kazimohammadpur District- Muzaffarpur,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Prakash Shrarma, Advocate.
For the Responder/s	:	Mr. Government Pleader (5) with Mr. Dhyrendra Kumar, AC to GP-5.
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 08-09-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“(i) For issuance of an
appropriate writ/s, order/s, direction/s in
the nature of certiorari to quash the
Memo No. 735 dated 29.03.2025*



whereby the learned collector cum certificate Officer Muzaffarpur (Respondent No. 4) has shown its intention to proceed with the certificate case No. 43 of 2013-14 recover the disputed amount despite having knowledge that a Civil Suit No. 63 of 2025 is pending before the civil Court Muzaffarpur for the purpose of proper adjudication of the dispute as to recoverable dues as claimed in certificate case no. 43/2014 it to be adjudicated and ascertained and further despite having knowledge that the said Civil Suit No. 63 of 2025 has already been admitted and summons have been issued to the respondents/defendants for filing written statements.

(ii) For issuance of an appropriate Direction to the Learned collector cum certificate officer Muzaffarpur not to proceed with the certificate proceedings till the disposal of the civil suit no. 63 of 2025 inasmuch as the civil Suit No. 63 of 2025 has been filed in the light of the judgment dated 18.12.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 1909 of 2023 in which Hon'ble Supreme Court has been pleased to direct the petitioners to avail the statutory remedy as provided under the Bihar and Orissa Public Demand Recovery Act 1914 including that of challenging the certificate on the grounds specified under Section 43 and 44 granting 30 days' time to avail statutory remedy under the Act from the date of judgment.

(iii) For issuance of any



appropriate writ in the nature of Mandamus commanding and directing the respondent No. 4 produce the paper or documents or evidence or decree of any civil court to prove that the dues sought to recover by ways of certificate case has already been adjudicated any independent forum/court.”

3. Though the learned counsel appearing on behalf of the petitioners has vehemently argued that the final order passed by the certificate officer under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 has already been set aside by this Hon'ble Court in CWJC No. 7249 of 2014 dated 11.08.2014. It is to be noted that the order of the learned Single Judge has already been set aside by the Hon'ble Division Bench in LPA No. 1718 of 2015 dated 20.05.2016 and the Hon'ble Supreme Court has confirmed the same.

4. Therefore, this Court is not inclined to entertain the present writ petition for the following reasons:-

1. That the order of the Certificate Officer passed under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 dated 03.03.2014 has already become final.

2. That the petitioners instead of filing a statutory appeal as directed by the Hon'ble Supreme Court in Civil Appeal No. 1892 of 2023 and other analogous cases dated 18.12.2024 has not filed the appeal provided under Section 60



of the Bihar and Orissa Public Demand Recovery Act, 1914.

5. The Hon'ble Supreme Court in Paragraph Nos. 40 and 41 of the Civil Appeal No. 1892 of 2023 and other analogous cases has held as under:-

“40. Mr. Manish Kumar has placed before us the photocopies of the proceedings of the certificate officer, and argued that these proceedings have been initiated in due compliance with the provisions of the Act and have been concluded by duly considering the objections raised by the Rice Millers. In other words, the argument proceeds that there is no procedural infirmity in the respective certificates issued in favour of the Civil Supplies Corporation. Hence, the civil appeals are also liable to be dismissed by rejecting the contentions on procedural deviation.

41. We have perusal the record and are of the view that the Rice Millers invoked the writ remedy by raising a jurisdictional fact against realizing 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.”

6. Having regard to the above, the present writ petition is dismissed leaving it open to the petitioners to avail



the statutory remedies as available under the law.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

