

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17139 of 2016

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Amit Jaiswal Son of Sri Sunil Jaiswal, resident of Chandan Nagar, Gulab Bag,
P.S.- Sadar, District- Purnea, Proprietor M/S Maa Anaapurna Rice Mill,
Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.
4. The Additional District Magistrate, Supaul.
5. The Certificate Officer, Supaul.
6. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Advocate
For the BSFC	:	Mr.Shailendra Kumar Singh, Advocate
	:	Mr.Utkarsha Utpal, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad- AAG-5
	:	Mr.Bijoy Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 18-03-2025

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

“(i) For issuance of an appropriate writ order/ direction in the nature of certiorari for quashing the Certificate Case no. 61 of 2014-15 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 PDR Act) as it is blank at many column.

(ii) For issuance of writ in the nature of certiorari for quashing the Certificate case no. 61 of 2014-15 which has been initiated against the petitioner under Section -7 of the Public Demand Recovery Act on the ground that the process is not followed properly by the Bihar State Food and Civil Supplies Corporation (hereinafter referred as BSFC for the sake of brevity) in serving the notice, as the Form no. 1 has not been properly made and blank Certificate notice is issued without application of independent mind and without proper verification and therefore it is violation of the fundamental right of the petitioner.

(iii) For issuance of writ in the nature of certiorari for quashing the Certificate Case No. 61 of 2014-15 which has been initiated against the petitioner under the Public Demand Recovery Act on the ground that disputed amount cannot be recovered through the Certificate proceeding.

(iv) For issuance of writ in the nature of certiorari for quashing the entire order sheet and the final order dated



17.03.2016 passed in Certificate case no. 61 of 2014-15 on the ground that the same is without hearing and without the proper certificate or requisition under the Public Demand Recovery Act, 1914 and thus the whole process is without jurisdiction.

(v) For issuance of an appropriate writ order/direction in the nature of certiorari for quashing the final order dated 17.03.2016 passed in Certificate case no. 61 of 2014-15 on the ground that the same is passed without following the principles of natural justice.

(vi) For issuance of an appropriate writ order/direction in the nature of certiorari for quashing the warrant of arrest dated 10.06.2016 passed in Certificate case no. 61 of 2014-15.

(vii) For the other reliefs which may be granted to the petitioner in the facts and circumstances of this case."

2. During course of argument, the Learned counsel for petitioner reports to this Court that Annexure-10 is the Certificate Case which does not contain the name of the District and the Section of Law. It is further submitted that in Annexure-12, column No. 1 has been kept vacant. There are



technical flaws in issuance of these certificates and the said fact is covered by judgment passed by this Court in **CWJC No. 8706 of 2016 (Panna Lal Das Vs. State of Bihar)**.

3. On the other hand, the Learned counsel for the respondents contended that the notice (Annexure-9) contain the number and other relevant details.

4. However, considering the technical flaws pointed out by the petitioner, the certificate in question can be treated as defective Certificate. The judgment of the Division Bench of this Court in the case of **Nageshwar Prasad Singh vs. Rai Bahadur Kashinath Singh** reported in **1958 BLJR 820** as well as **Badri Prasad Gupta Versus The State of Bihar & Ors.** reported in **2018(3) PLJR 218** shall be applicable to the present facts and circumstances of the case.

5. As regards the effect of a defective Certificate on the validity of the Certificate proceeding, the Division Bench of this Court in



Nageshwar Prasad Singh (supra) has observed as follows:-

“The Certificate-Officer must meticulously apply his mind to filing the Certificate and filling in the columns and blanks correctly and in appending his Certificate in the form prescribed, and that the filling in of the forms is a matter of substance and is imperative, to give the Certificate the force of a decree of court of law, and if it is found that the Certificate-Officer had not applied his mind at all and that some of the blank spaces were not filled up, or were incorrectly filled up, the document so prepared and filed is not a Certificate under the Public Demands Recovery Act. The Certificate proceedings are wholly invalid and the officer concerned acts without jurisdiction”

6. Heard the Learned counsel for the petitioner as well as the respondents and perused the records.



7. In view of the fact that the present matter is squarely covered by the aforesaid judgments, the Writ application is allowed in light of the judgment passed in **Badri Prasad Gupta (supra)**. Accordingly, Certificate Case No. 61 of 2014-15 is hereby quashed. However, It will be open to the respondents to initiate proceeding certificate afresh, if permissible under the law.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	

