

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11727 of 2016

Subodh Pandey Son of Bimal Pandey Resident of village - Andauli, P.S.
Chewara, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Food and Civil Supply Department, Government of Bihar, Patna
2. The Director Bihar State Food and Civil Supply Corporation Bihar, Patna
3. The District Manager, Bihar State Food and Civil Supply Corporation, Sheikhpura
4. District Magistrate Cum Certificate officer, Distt. Sheikhpura
5. The District Manager, Bihar State Food and Civil Supply Corporation, Lakhisarai
6. Sub - Divisional Magistrate Cum In - Charge District Certificate officer, Sheikhpura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Advocate
For the State	:	Mr. Lokesh Kumar Singh, AC to SC 6
For the BSFC	:	Mr. Shailendra Kumar Singh
		Mr. Utkarsh Utpal, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 17-03-2025

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

*“i. For quashing the entire
proceeding of Certificate Case No.
123/2014-15 initiated against the
petitioner on the basis of application
and requisition dated 7.4.2014 signed
by the respondent No. 5.*

*ii. For giving a direction to
consider / dispose of the objection filed*



by the petitioner under Section 9 of the Act by a reasoned and speaking order.

iii. For grant of stay of the further action against the petitioner in certificate Case No. 123/2014-15 during pendency of the writ petition and till disposal of the objection petition.

iv. For any other relief/reliefs which this Hon'ble Court may deem fit it and proper in the facts and circumstances of the present case".

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. Having regard to the submissions



made by the Learned counsel for the parties, the present Writ petition stands disposed of in terms of the aforesaid judgment passed in **Pawapuri Rice Mills (supra)**.

6. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2025
Transmission Date	

