

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13000 of 2018

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Yogendra Paswan @ Yogendra Kumar Paswan Son of late Ganesh Paswan
Resident of Village- Basantpur Patti, P.S. Saraiya, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer, Govt. of Bihar, Patna.
3. Bihar State Food and Civil Supply Corporation Ltd. Khadya Bhawan, Daroga Rai Path, R Block, Road No. 2, Patna-1, through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Khadya Bhawan, Daroga Rai Path, R Block, Road No. 2, Patna-1
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. District Arariya.
6. The District Magistrate, Arariya.
7. The District Certificate Officer (Jila Nilam Patra Padadhikari), Arariya.
8. Sonu Kumar, Executive Assistant Son of Shankar Prasad Sah, Resident of Village- Hasanpur, P.S. Raniganj, District- Arariya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-07-2025

1. The writ petition is filed for the following reliefs:

“I. For setting aside the order dt 20.04.2018 passed by District Magistrate, Arariya in Certificate Appeal case no. 1 of 2017-18 by which appeal filed by the petitioner has been rejected.

II. For setting aside the memo



no. 285 dt 19.09.2016 by which petitioner was directed to deposit Rs. 1,72,93,663.19 in the office of District Manager, SFC, Arariya in light of the order dt 05.09.2016 passed in Certificate case no. 3 of 2015-16. The petitioner also prays for setting aside the order dt 05.09.2016 passed by Certificate officer, Arariya.

III. For issuance of an appropriate direction, declaring that petitioner is not responsible for depositing any amount on account of alleged misappropriation of food grains.

IV. For issuance of any other appropriate writ/writs, order/orders, direction/directions for grant of any other relief's to which the petitioner may be found entitled under the facts & circumstances of the case."

2. At this juncture, the Learned counsel for the respondents contended that Section 62 of the Bihar and Orissa Public Demands Recovery Act, 1914 provides for the provision of revision. Section 62 read as follows:

"62. Revision. - The Collector may revise any order passed by a Certificate



Officer, Assistant Collector or Deputy Collector under this Act; the Commissioner may revise any order passed by a Collector under this Act; and the Board of Revenue may revise any order passed by a Commissioner under this Act:

[Provided that no revision petition shall be entertained by any authority unless the certificate-debtor deposits forty per cent of the certificate dues at the time of its filing:

Provided further that no certificate debtor shall be called upon to do so if he has already deposited this amount at any earlier stage.].

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 62 of the Bihar and Orissa Public Demands Recovery Act, 1914.

4. The Learned counsel for the petitioner contended that he intends to file a revision before the competent authority, but the limitation period for filing the revision has lapsed. He prayed for a



direction to the concerned authority to entertain the revision petition in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing a revision, the writ petition is disposed of with a direction to the petitioner to file the revision petition within four weeks from the date of receipt of this order before the concerned authority. The delay in filing the revision shall be condoned by the authority concerned, and the authority shall dispose of the revision petition within three months from the date of filing of the same.

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	09.07.2025
Transmission Date	

