

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22398 of 2018

Navin Kishore Son of Shri Sachidanand Kishore Resident of Village-
Sekhopur, Police Station- Sahdai Bujurg, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supply Deptt, Government of Bihar, New Secretariat, Patna
2. The Principal Secretary, Food and Civil Supply Department, Government of Bihar, New Secretariat, Patna
3. The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna through its Managing Director.
4. The Managing Director, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna
5. The District Manager, The Bihar State Food and Civil Supply Corporation, Sitamarhi.
6. The District Magistrate, Sitamarhi.
7. The District Certificate Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-08-2025

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

“1. The present writ application is being filed on behalf of the petitioner for quashing of the entire certificate proceeding bearing certificate case no. 01 of 2017-18 (District Manager, BSFC Sitamarhi Vs. Navin Kishore) initiated under the provisions of Bihar and Orissa Public



Demand Recovery Act, 1914 (hereinafter to be referred as "PDR Act") initiated on a request made by the District Manager, Bihar State Food and Civil Supply Corporation (hereinafter to be referred as "Corporation") Sitamarhi for recovery of the amount to the tune of Rs. 3,08,60,773/- (Three Crore Eight Lakh Sixty Thousand Seven Hundred Seventy Three only) from the petitioner which is recoverable as a public demand as he alleged to have misappropriated 4500.60 Quintal of Government Wheat and 6233.20 Quintal of Government Rice from Runnisaidpur Godown between June 2016 to October 2016.

It is stated that the very initiation of the aforesaid Certificate Proceedings in case no. 01 of 2017-18 (District Manager, BSFC Sitamarhi Vs. Naveen Kishor) before the Certificate Officer, Sitamarhi is defective for the reason that request for initiation of certificate proceeding does not mention date and year which is mandatory as per schedule-II, Form No. 2 of the PDR Act and subsequent



issuance of certificate of public demand under section 4 and 6 of PDR Act is also defective as the same also does not contain the date and the year. Apart from the above, there is no agreement between the parties by a written instrument to recover the amount under PDR Act, which is a condition precedent before initiation of the said certificate proceeding.

2. That the petitioner further prays before this Hon'ble Court to quash the warrant of arrest, ordered vide order dated 18/10/2017, passed in the impugned certificate case, passed by the learned Certificate Officer, Sitamarhi, bearing Certificate Case No.01 of 2017-18 (District Manager, BSFC Sitamarhi Vs. Navin Kishore) and for any other relief/reliefs this Hon'ble Court may find fit and proper in the facts and circumstances of the present case."

2. At the outset, the Learned counsel for the petitioner seeks indulgence of this Court to grant liberty to file fresh objections under Section 9 of the Bihar and Orissa Public Demands Recovery



Act, 1914 and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner.

3. The Learned counsel for the respondents submitted that he has no objection, if a direction is given to the concerned authority to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

4. Having regard to the above made submissions, without going into the merits or demerits of the case, the present Writ petition is disposed of granting liberty to the petitioner to file fresh objections under Section 9 before the concerned authority within a period of four weeks from today. On such objections being filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

5. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. The entire exercise shall be completed



as expeditiously as possible preferably within a period of three months from the date of filing of the objections by the petitioner.

6. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.

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

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2025
Transmission Date	

