

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3095 of 2013

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1. M/S SWATI RICE MILL and ANR W/O Sri Anukul Chandra R/O Village-Pithori, P.S.- Thawe, District- Gopalganj
 2. Anukul Chandra Thakur S/O Late Ram Krishna Thakur R/O Pithori, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Null Food And Supply Department, Govt. Of Bihar, Patna
2. The Principal Secretary Food And Supply Department, Govt. Of Bihar, Patna
3. The District Magistrate, Gopalganj
4. The District Certificate Officer, Gopalganj
5. Bihar State Food And Civil Supplies Corporation Ltd. Head Office- Sone Bhawan, Veerchand Patel Path, Patna
6. The District Manager Bihar State Food and Civil Supplies Corporation Ltd., Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, Sr. Advocate Mr. Amrendra Narayan Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 25-06-2025 Heard learned counsels for the parties.

2. Learned Senior Counsel for the petitioners submit that in light of the judgment dated 18.12.2024 passed in Civil Appeal No.1889 of 2023 by the Hon'ble Supreme Court, the petitioners are prepared to withdraw the present writ application with liberty to pursue statutory remedy as provided under Sections 43 and 44 of the Public Demand and



Recovery Act and prays that 30 days time be granted to the petitioners to approach the appropriate Civil Court.

3. Paragraphs- 38 and 41 of the judgment dated 18.12.2024 passed in the Civil Appeal No.1889 of 2023 by the Hon'ble Supreme Court is quoted herein below:-

38. The Act is a comprehensive and codified enactment that provides adequate safeguards for parties facing recovery actions. Parts II and IV of the Act outline the procedures for filing, serving, and contesting recovery certificates, as well as provisions for appeal, revision, and review. Procedural Safeguards: Part II of the Act outlines the procedure for filing, serving, and adjudicating certificates. Sections 43 and 44 provide remedies to challenge certificates in civil courts on specific grounds. The section provides for a time limit of 6 months for availing the remedy to move to the Civil Court. Sections 60, 62, and 63 deal with appeal, revision, and review of the orders made under the Act.

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.

4. To the aforesaid prayer made by the learned Senior Counsel appearing for the petitioner, the respondent State does not have any objection.

5. Considering the limited nature of prayer made by the learned Senior Counsel for the petitioner, this writ application is disposed of with liberty to the petitioners to move before the Civil Court for availing the statutory remedy provided by Sections 43 and 44 of the Public Demand and Recovery Act in light of the observation given by the Hon'ble Supreme Court as quoted herein above.

6. Liberty is granted to the petitioner to file an appropriate case before the appropriate Civil Court within thirty days from the date of this order.

7. With the aforesaid liberty granted, this writ application stands disposed of.



8. All the pending Interlocutory Applications, if any, are also deemed to have been disposed of.

(Alok Kumar Sinha, J)

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