

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13478 of 2025

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Ramesh Prasad Singh S/o Late Upendra Narayan Singh Resident of Ward No.- 20, Shanti Nagar, Bypass Road near Evening College, Saharsa, P.O. and P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. District Certificate Officer, Madhepura.
5. The Certificate Officer, Madhepura Collectorate, Madhepura.
6. The Bihar State Food and Civil Supplies Corporation, Patna, through its Managing Director.
7. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
8. The District Manager, BSFC, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the State	:	Mr. Kumar Manish, S.C.-5
		Mr. Madan Mohan, A.C. to S.C. 5
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 25-08-2025 It is not in dispute that in a certificate proceeding, the petitioner purchased 1 acre 20 decimal of land by auction at Rs. 7,63,500/- (Rupees Seven Lakh Sixty Three Thousand and Five Hundred). The entire money was deposited by the petitioner on two dates, i.e., on 6th December, 2019 and 17th December, 2019. The State-authority received the said amount but property has not been handed over to the petitioner as yet,



taking one plea or other.

2. It is found from the averment made by the petitioner that on 7th September, 2021, the District Certificate Officer, Madhepura informed the petitioner that the auction certificate is not available in the file of Certificate Case No. 05/24-2015. The petitioner subsequently requested the District Magistrate for a direction to Certificate Officer to issue auction certificate and finally on 10th June, 2025, a legal notice was sent to the Officer Incharge Certificate Section, Madhepura requesting him to issue auction certificate to the petitioner but all his efforts went in wane.

3. It is not in dispute that the petitioner purchased the property in question by auction conducted by the Certificate Officer in the year 2019, being selected as the highest bidder.

4. The learned Advocate on behalf of the respondent nos. 6 & 7, being the Bihar State Food and Civil Supplies Corporation and the Managing Director of the Corporation, submits that the land in question was handed over to a third person for the purpose of growing paddy which is commonly called as willing purpose. The said person defalcated the entire agricultural produce amounting to approximately more than Rs. 1 crore.



5. Thus, it is submitted by the learned Advocate for the respondent nos. 6 & 7 that the petitioner may be directed to make the said third party as a private respondent of this case, so that the State can recover the defalcated money in the instant proceeding.

6. This is a writ proceeding under Article 226 of the Constitution. The scope of the constitutional writ is not to recover money defalcated by a private person against the State-authority. For such purpose, the State-authority is empowered to take appropriate legal action against the said person.

7. It is not in dispute that the property was auctioned in favour of the petitioner. The petitioner deposited the entire money, which was fixed in the auction as the highest bid. Now, he is entitled to get the possession of the property.

8. At this stage, the State Government cannot take any plea that the auction amount was very low.

9. For the reasons stated above, the respondent nos. 3 & 4 is directed to issue auction certificate to the petitioner, within four weeks from the date of this order positively and deliver peaceful possession of the property in question.

10. If the State Government has any grievance against the person in favour of whom the property was settled for



agricultural purpose and a grievance is in existence that he defalcated the amount, the State-respondents are at liberty to take necessary action against the said person.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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