

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9997 of 2016

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Birendra Kumar Son of late Rama Prasad Singh Proprietor Of M/S Sri Ganesh Rice mill Resident of Village + Post Azwan PS Naubatpur Distt Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretariat, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Food and Civil Supplies New Secretariat, The State of Bihar,
3. The District Magistrate, Patna.
4. The Certificate Officer-cum-Sub -Divisional Officer Danapur.
5. The Managing Director, The Bihar State Food and Civil Supply Corporation Ltd. Sone Bhawan, Veerchand Patel Path, Patna
6. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veerchand Patel Path, Patna
7. The Secretary, Food Corporation of India New Delhi.
8. The Area Manager, Food Corporation Of India, District Patna.
9. The Divisional Manager , Food Corporation of India, Patna Division, District Patna.
10. The Assistant Godown Manager, Bihar State Food Corporation Supply Ltd Naubatpur District Patna.
11. The Godown Manager/Store -in-Charge, Food Corporation of India, Phulwarisharif, District - Patna.
12. The Enforcement Officer, Bihar State Food and Civil Supply Corporation Limited , East Boring Canal Road, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Jai Prakash Singh Madhuri Lata, Advocate
For the State	:	M/s Archana Meenakshee, GP 6 Rohit Singh, AC to GP 6 Prabhat Ranjan, AC to GP 6 Harish Singh, AC to GP 6 Ranaveer Prawar, AC to GP 6
For the BSFC	:	Ms. Anukriti Jaipuriyar, Advocate
For the FCI	:	Mr. Devesh Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 15-04-2025

1. The petitioner has filed the writ petition



for quashing the order dated 13.02.2016, 20.02.2016 and 12.03.2016 passed in Certificate Case No. 11 of 2014-2015 by the District Certificate Officer, Danapur Sub Division, Patna along with other consequential order.

2. At the outset, the Learned counsel for the petitioner submitted that the entire Certificate proceedings are wholly invalid and the officer concerned acted without jurisdiction inspite of considering the objection filed under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914. It is also submitted that signing of the requisition by the Certificate holder and the Certificate Officer on the same form amount to non-compliance with Sections 5, 6 and 7 of the Bihar and Orissa Public Demands Recovery Act, 1914. The Learned counsel for the petitioner further relied on the judgments passed in **Badri Prasad Gupta Vs The State of Bihar & Ors** reported in **2018 PLJR 218** and **Nageshwar Prasad Singh Vs. Rai Bahadur Kashinath Singh** reported in **1958 BLJR 820** in



which their Lordships have set aside the entire certificate proceedings on the ground that they were wholly invalid.

3. Heard Learned Counsel for the parties.

4. In view of the fact that the matter is covered by the aforesaid judgments, and considering the totality of the circumstances, I am of the opinion that the orders dated 13.2.2016, 20.2.2016 and 12.3.2016 passed by the Certificate Officer (respondent No. 4) in Certificate Case No. 11 of 2014-15, without considering the objection filed by the petitioner under Section 9 of the PDR Act and the fact that the Certificates were not issued in accordance with Form No. 1, is held to be invalid and are, hereby quashed.

5. The matter is remitted to the concerned Certificate Officer. Liberty is granted to the petitioner to file fresh objection under Section 9 of the Act before Respondent No. 4 within a period of four weeks from the date of receipt of this order. On such objections being



filed, the authority concerned shall pass necessary orders under Section 10 of the Act.

6. 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.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2025
Transmission Date	

