

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6251 of 2015

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Rameshwar Prasad son of Late Ayodhya Prasad, resident of KG Road, P.S. Nawada, District Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Food and Civil Supplies Department, Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., 5th floor, Sone Bhawan, R.Block, Patna
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Bhojpur Ara.
5. The District Certificate Officer, Bhojpur Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan
For the State	:	Mr. Ashok Priyadarshi, GA 4
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-09-2025

I.A. No. 1 of 2025:

I.A. No. 1 of 2025 is filed to amend the prayer portion at paragraph 1 of the Writ petition due to the subsequent developments as 1(ii), (iii)

Accordingly, I.A. No. 1 of 2025 is hereby allowed, amending the prayer portion. The reliefs mentioned in paragraph No. 1 thereof would form part of the Writ petition.



CWJC No. 6251 of 2015

2. The petitioner has filed the Writ petition for the following reliefs:

“(i) For issuance of appropriate writ, rule or direction for quashing of the Notice Under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914, in Certificate Case No. 08/2015-16 (Annexure 9) whereby and whereunder a Demand for Rs. 1,34,64,353.33 along with interest @ 18% has been raised and the petitioner has been asked to Show Cause as to why the Certificate of the aforesaid amount be not issued against him.

(ii) Quashing of the order bearing Memo No. 37 dated 03.04.2025 arising out of Certificate Case No. 08/2015 16 by which, the District Certificate Officer, Bhojpur notwithstanding the interim order passed by this Hon'ble Court dated 20.05.2015 has revived and resumed the proceedings and further directed the petitioner to appear on 30.04.2025 failing which issuance of Warrant has been contemplated;

(iii) Stay of the operation of



the order bearing Memo No. 37 dated 08.04.2025 passed by the District Certificate Officer, Bhojpur.

3. At the outset, Learned counsel for petitioner contended that the since this matter is squarely covered under the order dated 11.07.2024 passed in **CWJC No. 9221 of 2016 (Raju Gupta Versus The State of Bihar & Ors.)**, this writ petition may also be disposed of on the same term and conditions. The Learned counsel for the petitioner, in order to substantiate his argument also relied on some judgments passed by Division Bench of this Court as well as by Hon'ble Supreme Court i.e. judgment dated 18.10.2023 passed in **L.P.A. No. 1643 of 2019 (Pintu Biswas Versus the State of Bihar & Ors)**, Judgment dated 10.10.2017 passed in **LPA NO. 1373 of 2017 (Ram Niwas Sharma Vs. The Food and Consumer Protection Department & Ors.)**, and a judgment passed by Hon'ble Supreme Court of India in **Civil Appeals Nos. 471 of 1975 (State of Karnataka Vs.**



Shree Rameshwara Rice Mills, Thirthahalli).

Learned counsel for the petitioner further draws attention of this Court on a judgment passed by a Division Bench of this Court in **Nageshwar Prasad Singh Vs. Rai Bahadur Kashinath Singh (1958 BLJR 820)**. As regards the effect of a defective Certificate on the validity of the Certificate proceeding, the Division Bench of this Court in **Nageshwar Prasad Singh (supra)** has observed as follows:

“The Certificate-Officer must meticulously apply his mind to filing the Certificate and filling in the columns and blanks correctly and in appending his Certificate in the form prescribed, and that the filling in of the forms is a matter of substance and is imperative, to give the Certificate the force of a decree of court of law, and if it is found that the Certificate-Officer had not applied his mind at all and that some of the blank spaces were not filled up, or were incorrectly filled up, the document so prepared and filed is not a Certificate under the Public Demands Recovery Act. The Certificate proceedings are wholly



invalid and the officer concerned acts without jurisdiction”

4. The Learned counsel for the respondents brought on record the judgment passed by the Hon’ble Supreme Court of India in the case of **Pawapuri Rice Mills Versus Bihar State Food and Civil Supplies Corporation Ltd. & Ors. and other analogous cases** reported in **2024 SCC OnLine SC 3777**, in which the Hon’ble Supreme Court has observed as follows:

“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.

42. In the event of a Rice Miller availing a statutory remedy as permitted by this Judgment, the said authority shall entertain the case without reference to the delay and the period of limitation in availing a remedy before the said authority. With the above observation, the civil appeals stand dismissed. No order as to costs. "

5. Heard the learned counsel for the petitioner as well as the respondents.

6. In view of the fact that this matter is squarely covered by the aforesaid judgments, in the totality of the circumstances, I am of the opinion that the Certificate issued vide Annexure-8, signed by the District Manager of the BSFC and the Certificate Officer in the manner aforesaid issued Notice vide Annexure-9 is held to be invalid and are hereby quashed under Section 7 of the Act, issued in pursuance thereof. In consequence thereof Annexure-P/10 is also quashed and set aside.



7. The matter is remitted to the Certificate Officer, Bhojpur, at Ara, for issuance of a fresh Certificate as well as the notice under Section 7 of the Act and thereafter to proceed in the matter, in accordance with law.

8. It is made clear that in the meantime, the Certificate Officer, Bhojpur at Ara shall not resort to any coercive action, for recovery of the dues against the petitioner in Certificate Case No. 08 of 2015-16.

9. Accordingly, this Writ petition is allowed to the extent as indicated above.

10. Interlocutory Application(s), if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2025
Transmission Date	

