

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9666 of 2015

=====

Pramod Kumar Singh Son of Late Ram Narayan Singh resident of Village Meersarai, P.S. Tillotho, District Rohtas Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Food and Civil Supply and Commerce Department, Govt. of Bihar Patna.
3. The Managing Direfctor, Bihar State Food and Civil Supply Corporation, Patna.
4. The District Magistrate Cum Collector and Cum District Certificate Officer, Rohtas.
5. The District Manager, Bihar State Food and Civil Supply Corporation, Rohtas.
6. The District Supply Officer, Rohtas.
7. The Superintendent of Police, Rohtas, Sasaram
8. The Officer In-Charge, Tillouthu Police Station, Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Prasad, Advocate
For the State	:	Mr. Ajeet Kumar, GA 9
For the BSFC	:	Mr. Shailendra Kumar Singh
		Mr. Utkarsh Utpal, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 18-03-2025

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

“i. That the present Writ petition is being filed for direction to the respondents not to recover Rs. 61,09,047.30/- under Sections 4 and 7 of Bihar and Orissa Demand and Recovery Act arising out of notice dated



12.08.13 issued by the Certificate Officer, Rohtas in Case No. 13 of 2013-14 and also to stay the operation of certificate proceedings so that not to take any coercive step against the petitioner till the final disposal of the case.”

2. At the very outset, Learned counsel for the parties contended that since this matter is squarely covered under 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**, this Writ petition may also be disposed of on the same terms and conditions.

3. Heard the Learned counsel for the petitioner as well as the respondents.

4. The Hon’ble Supreme Court in **Pawapuri Rice Mills (supra)** 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. Having regard to the submissions made by the Learned counsel for the parties, the present Writ petition stands disposed of in terms of the aforesaid judgment passed in **Pawapuri Rice**



Mills (supra).

6. Interlocutory Application, if any, shall
stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2025
Transmission Date	

