

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20362 of 2025

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Dhiraj Kumar Singh Son of Late Ashok Kumar Singh, resident of village-Turkaulia, Hospital Kaloni, P.O. and P.S. - Turkaulia, District- East Champaran, Bihar- 845437.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. District Certificate Officer, East Champaran, Motihari.
3. Bihar State Food and Civil Supplies Corporation Ltd., Khadya Bhawan, R-Block, Daroga Prasad Rai Path, Patna - 800001 (Bihar) through its Managing Director.
4. District Magistrate, East Champaran, Motihari.
5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Miss Shrishti Singh, Advocate Mr. Pranav Kumar
For the Respondent/state :		Mr. Government Pleader (5)
For the BSFC	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2025

1. Heard the parties.

2. The petitioner is aggrieved by issuance of show cause notice for arrest dated 27.11.2025 received on 10.12.2025 under the signature of District Certificate Officer, East Champaran, Motihari in connection with Certificate Case No. 43 / 2025-26 for recovery of a sum of Rs. 1,06,35,496/-.

3. Mr. Y.V. Giri, learned senior counsel for the petitioner submits that father of the petitioner died on



09.08.2017 and notice under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as 'the Act') was issued against the father on 14.12.2017 in connection with M/s Ramki Rice Mill. The father of the petitioner was proprietor of the rice mill and the petitioner was having no concern with the said business. At the time of death of his father the petitioner was a minor aged about 14 years.

4. The petitioner has not been served with notice under Section 7 of the Act in connection with Certificate Case No. 43 / 2025-26 which has been initiated against the legal heirs of the erstwhile proprietor of the rice mill. Without issuance of any notice requiring the petitioner to file objection, a show cause has been issued as to why warrant of arrest be not issued against the petitioner. Petitioner has not been given any opportunity to submit his objection under Section 9 of the Act and no final order has been passed under Section 10 of the Act by the Certificate Officer.

5. Learned senior counsel relies upon a judgment of this Court reported in 2000(1) PLJR 591 Smt. Gita Devi versus State of Bihar & Ors. for the proposition that under Section 52 of the Act if the certificate is signed after death of certificate debtor, then the certificate is void and a fresh certificate must be



made against the legal representative of the deceased.

6. Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd. argued that the petitioner may appear and file his objection as per Section 9 of the Act within a period of four weeks.

7. I have heard learned counsel for the parties. In the present case according to the petitioner the certificate debtor i.e. petitioner's father died on 09.08.2017 and certificate under Section 7 of the Act was issued earlier in Case No. 55 of 2017-18 after his death on 14.12.2017. The certificate was issued against the petitioner's father and notice was served upon him. It appears that after the death of petitioner's father fresh Certificate Case No. 43 / 2025-26 has been initiated against the petitioner but no notice under Section 7 of the Act has been served to the petitioner.

8. In view of the aforesaid, the present writ application is disposed with direction to the District Certificate Officer, East Champaran, Motihari to serve a fresh notice / copy of certificate under Section 7 of the Act upon the petitioner within a period of four weeks from today and if such a notice along with certificate is served upon the petitioner, the petitioner shall file his objection within a further period of three weeks



thereafter. After filing of objection by the petitioner, the District Certificate Officer, East Champaran, Motihari shall pass final order under Section 10 of the Act by a reasoned and speaking order within a period of one month from the date of filing of the objection.

9. Till objection of the petitioner is disposed, no coercive step shall be taken against he petitioner.

(Anil Kumar Sinha, J)

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