

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16694 of 2019

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1. Sri Ram Rice Mill Office at Sahokhar, Bihar Sarif, Nalanda Through, its partner Binod Kumar Singh, S/o Ram Janam Singh, R/o Mohalla and P.O.- Alamganj, P.- Laheri, Bihar Sarif, Nalanda.
 2. Binod Kumar Singh S/o Ram Janam Singh R/o Mohalla and P.O.- Alamganj, P.- Laheri, Bihar Sarif, Nalanda.
 3. Kamlesh Saw S/O Late Raghubir Saw R/o Village- Aarut, P.O. and P.S.- Wena, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar Through the Chief Secretary, Bihar, Patna.
2. The State of Bihar Through Principal Secretary, Food and Consumer Protection Department, State of Bihar, Patna.
3. The District Collector/ Magistrate District- Nalanda.
4. The Bihar State Foods and Civil Supplies Corporation Limited Through its Managing Director, Sone Bhawan, Patna.
5. The Certificate Officer District- Nalanda, Bihar Sharif.
6. The District Manager Bihar State Food and Civil Supply Corporation Ltd., Nalanda.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Krishna Mohan Mishra, Advocate
For the Respondents	:	Mr. Arvin Ujjawal, SC4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
	:	Mr. Utkarsha Utpal, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 30-06-2026

1. The petitioner has filed the Writ petition

for the following reliefs:

“i. To issue appropriate writ to quash the notice issued under section 7 dated 06.05.2013 as well as whole of the proceeding of the Bihar and Orissa Public Demand and Recovery Act (herein after referred to as The Act or PDR Act.) which initiated by Certificate Officer, Nalanda in Certificate Case No.



17/2013-14 as no agreement as per clause 15 of schedule-1 r/w section 3(6) of PDR has been made hence initiation of proceeding is bad and illegal as the amount sought to be recovered is not public demand.

ii. To hold and declare that proceeding initiated under the Act is without jurisdiction and illegal as the certificate officer has not recorded satisfaction as required under section 5 and 6 hence proceeding is illegal.

iii. To hold and declare that issue of warrant of arrest is bad as in similar case for the period 2011-12 in other rice mills case the Hon'ble Apex Court has stayed the coercive action and recovery in SLP no-16909/2016 dated..."

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. Taking into consideration of the **Pawapuri Rice Mills (supra)** that the petitioner has a statutory remedy for filing an appeal under Section 60 of the Bihar & Orissa Public Demand



Recovery Act, 1914, the writ petition is disposed of with a direction to the petitioner to file an appeal within one month from the date of receipt of this order before the appropriate authority. The delay in filing the appeal shall be condoned by the authority concerned, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

Shanu/-

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

