

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13640 of 2017

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Dilip Kumar Singh Son of Chandrika Prasad Singh, Resident of Village-
Boktha, Police Station- Major Ganj, District- Sitamadhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna
2. The District Magistrate, Vaishali at Hajipur.
3. The Certificate Office, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Shailendra Kumar Singh, Karu Kumar, Advocates
For the State	:	Manish Kumar, GP 4
For the BSFC	:	M/s Shailendra Kumar Singh Utkarsh Utpal, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 15-07-2026

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

“i. For issuance of writ in the nature of certiorari or any other appropriate writ for quashing the entire proceeding of Certificate Case no. 20 of 2015-16, pending in the court of Certificate Officer, Hajipur at Vaishali whereby Certificate proceeding has been initiated against the petitioner for recovery of Rs. 7,98,690.24/-.

ii. For issuance of writ in the nature of certiorari or any other



appropriate writ for quashing the notice U/S 7 of Bihar & Orissa Act no.4, 1914 dated 15.04.2015 issued under signature of Certificate Officer, Vaishali whereby a demand of Rs. 7,98,690.24/- has of been raised against the petitioner.

iii. For issuance of writ in the nature of certiorari or any other appropriate writ for quashing the order dated 13.08.2015, passed in Certificate Case no. 20 of 2015-16, by the Certificate Officer, Vaishali at Hajipur, whereby bailable warrant has been issued against the petitioner for alleged recovery of Rs. 7,98,690.24/.

iv. For issuance of writ in the nature of certiorari or any other appropriate writ for quashing the order dated 12.12.2016, passed in Certificate Case no. 20 of 2015-16, by the Certificate Officer, Vaishali at Hajipur, whereby the objection filed by the petitioner under section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter refer as 'Act' only) has been rejected without assigning any reason though the petitioner has raised several objections



including maintainability of the certificate case as well as demand.

v) For issuance of any other writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”.

2. At the very outset, the Learned counsel for the petitioner contended that since this matter is squarely covered under the order dated 26.09.2025 passed in **CWJC No. 13512 of 2017 (Lal Babu Ram Vs. The State of Bihar & Ors)** and order dated 02.07.2026 passed in **CWJC No. 13598 of 2017 (Rakesh Kumar Vs. The State of Bihar & ors.)** by this Court in which this Court has passed the order in light of the order passed by the Division Bench of this Court the case of **The Certificate Officer of Siwan Central Co-operative Bank -Vs. The State of Bihar & Ors.** reported in **(2006) 2 PLJR 176**, this writ petition may also be disposed of on the same terms and conditions.

3. Per contra, the Learned counsel



appearing for the respondents submits that the issue is now directly governed by the judgment of the Hon'ble Supreme Court in **Pawapuri Rice Mills vs. Bihar State Food and Civil Supplies Corporation Ltd. & Ors. and analogous cases**, reported in **2024 SCC OnLine SC 3777**. The Learned counsel, therefore, submits that the present Writ petition may also be disposed of in terms of the aforesaid judgment.

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 considered the submissions advanced on behalf of the parties, this Court finds that the controversy involved in the present writ petition is squarely covered by the aforesaid judgment of the Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)**.

6. Accordingly, without expressing any opinion on the merits of the case, the present writ petition is disposed of in terms of the judgment of the Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)**.

7. Interlocutory Application, if any, shall



stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.07.2026
Transmission Date	

