IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.702 of 2026
In
Civil Writ Jurisdiction Case No.10226 of 2026
CNR No. BRHC010826062026

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Amit Kumar, Male, aged about 44 years, son of Late Nagina Singh, resident of Shitalpur (Khirlichiyaiya), Ward No. 12 Jakiyari, P.S.- Raxaul, District- East Champaran, Proprietor of M/S Shiv Shakti Rice Mill, Shitalpur, Raxaul, East Champaran.

... ...Petitioner/s Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.
3. The District Magistrate-Cum-Collector, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Certificate Officer, East Champaran, Motihari .
6. The District Manager, Bihar State Food and Civil Supplies Corporation, District - East Champaran, Motihari.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Anmol Kumar, Advocate Ms. Abhilasha Kumari, Advocate Mr. Raushan Kumar, Advocate Mr. Vivek Kumar, Advocate Mr. Kumar Vikram, Advocate
For the State	:	Mr. Prabhat Kumar, AC to AAG 14
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

4 05-11-2026 Heard learned counsel for the appellant, learned counsel for the State as well as learned counsel for the Bihar State Food and Civil Supply Corporation (hereinafter referred to as the ‘BSFC’).

2. The appellant has filed the present *intra court* appeal being aggrieved by the interim order dated 24.07.2026 passed by the learned Single Judge whereby the learned Single

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Judge has refused to grant stay in favour of the appellant while directing the respondents to file counter affidavit within two weeks.

3. Mr. Sumeet Kumar Singh, learned counsel appearing for the appellant submits that a Certificate Case No. 19 of 2014-2015 was filed by the respondents (BSFC) before the Certificate Officer, East Champaran, Motihari for recovery of a sum of Rs.1,03,85,644/-. The Certificate proceeding is pending before the Certificate Officer i.e., (ADM, East Champaran, Motihari) and the order dated 04.04.2025 was passed by which the Certificate Officer recalled the warrant of arrest issued against the appellant on the ground that the request case for appointment of arbitrator was pending before this Court in Request Case No. 51 of 2020 till the disposal of SLP No. 10455 of 2020.

4. During the pendency of the Certificate Case before the Certificate Officer i.e., (ADM), the District Magistrate-cum-Collector, East Champaran, Motihari has *suo motu* initiated another Certificate Case on the same fact and material having Certificate Case No. 31 of 2025-26 and passed the order dated 05.05.2026 directing the appellant to deposit a sum of Rs. 1,03,85,644/- within fifteen days, failing which, the warrant of

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arrest would be issued.

5. Mr. Sumeet Kumar Singh, learned counsel appearing for the appellant submits that the District Magistrate, East Champaran at Motihari has exceeded his jurisdiction and arrogated the power upon himself during the pendency of the earlier Certificate Case No. 19 of 2014-15. The order dated 05.05.2026 passed by the District Magistrate, East Champaran, Motihari has been challenged by the appellant/writ petitioner before this Court in CWJC No. 10226 of 2026. The learned Single Judge failed to appreciate this aspect of the matter that two parallel proceeding cannot go side by side one by the ADM being the Certificate Officer and another by the District Magistrate, East Champaran Motihari who is claiming himself as a Certificate Officer. Once the ADM was in seisen with the case since 2014 the District Magistrate, East Champaran, Motihari of course can exercise the power as appellate authority as per Section 60 of the Bihar and Orissa Public Demands Recovery Act, 1914 (in short, '1914 Act') The Certificate Officer can only refer the Certificate Case before the District Magistrate-cum-Collector, East Champaran, Motihari under Section 10 of the 1914 Act provided that if the Certificate Officer is not the Collector and considers the petition involves a

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bona fide claim of right to property, he shall refer the petitioner to Collector.

6. He further submits that the Certificate amount has not yet been determine and the arbitrator is yet to be appointed by this Hon'ble Court in Request case filed by the appellant.

7. On the other hand, Mr. Shailendra Kumar Singh, learned counsel appearing for the BSFC submits that the matter is pending since 2014-15 before the Certificate Officer and petitioner/appellant has already appeared and even in the request case filed by the appellant-writ petitioner in the year 2020, he is not taking any step for disposal of the same and trying to delay the matter.

8. Having heard the learned counsel for the parties and taking into consideration the fact that the matter is still pending before the learned Single Judge for adjudication, we feel it expedient to modify the order dated 24.07.2026 passed by the learned Single Judge to the extent that till the disposal of writ petition filed by the appellant-writ petitioner by this Court, the warrant of arrest, if any, shall not be in operation. It is made clear that we have not given any opinion on the merits of the case and the writ petition shall be disposed on its own merits in accordance with law.

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9. Accordingly, the Letters Patent Appeal stands disposed of.

(Anil Kumar Sinha, J)

(Ramesh Chand Malviya, J)

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