

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15111 of 2025

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Rajiv Kumar Thakur Son of Radhe Thakur, Proprietor Anjali Rice Mill,
Resident of Village- Fatehpur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar State Food and Civil Supplied Corporation, Bihar, Patna.
2. The General Manager of Administration (Chief of Administration), Bihar State Food and Civil Supplied Corporation, Bihar, Patna.
3. The General Manager of Claim (Chief of Claim), Bihar State Food and Civil Supplied Corporation, Bihar, Patna.
4. The Deputy General Manager of Claim, Bihar State Food and Civil Supplied Corporation, Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplied Corporation, District- Bhagalpur.
6. The District Supply Officer-cum-Certificate Officer, Bhagalpur.
7. Awadh Kishore Mandal, Godown Manager, Block- Sultanganj, P.S.- Sultanganj, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kr. Gupta, Adv. Ms. Isha Mishra, Adv.
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 13-01-2026 Learned counsel for the petitioner is directed to implead the District Magistrate, Bhagalpur as a party Respondent No. 8 herein.

2. Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of ‘Admission’ with the consent of the both the counsels.

3. Learned counsel appearing on behalf of the



petitioner submits that the petitioner aggrieved by the order passed by the Certificate Officer in Certificate Case No. 01/2013-14 dated 21.12.2018 has preferred a statutory appeal under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 and the same was numbered as Certificate Appeal No. 115/2024-25 however, the Certificate Officer without awaiting the result of the said appeal has issued a warrant of arrest against the petitioner on 08.04.2025. Learned counsel submits that the very purpose of filing the appeal would be defeated if the petitioner is arrested. Learned counsel, therefore, prays this Hon'ble Court to allow the present writ petition and set aside the warrant of arrest issued against the petitioner herein.

4. *Per contra*, the learned counsel appearing on behalf of the respondent State submits that the petitioner ought to have filed an Interlocutory Application seeking stay of the order passed by the Certificate Officer while filing the appeal however the petitioner has not done so. Learned counsel has stated that a direction may be given to the appellate authority to dispose of the appeal by fixing a time frame.

5. Having regard to the above mentioned facts and circumstances, the present writ petition is disposed of and the



District Magistrate, Bhagalpur (Respondent No. 8) is directed to dispose of the Certificate Appeal No. 115/2024-25 as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. It is needless to mention that before passing any order, the petitioner shall be granted an opportunity of hearing. Any order passed shall be communicated to the party.

6. In the meanwhile, the Respondent No. 6 is directed not to take any coercive steps against the petitioner till the final orders are passed in the Certificate Appeal No. 115/2024-25. It is also made clear that in case the petitioner does not cooperate for the disposal of the Certificate Appeal No. 115/2024-25, the District Magistrate is free to pass necessary orders.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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