

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18071 of 2025

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Murlidhar Singh Son of Ram Nagina Singh Resident of village- Rajiv Nagar,
Road No.- 6, Police- Station- Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Development, Government of Bihar, 11, Mangal Road Veerchand Patel Road Area, Patna, Bihar.
2. The District Magistrate Cum - Certificate Officer, Saran at Chapra.
3. The Additional Collector Saran, Police-station Chapra Sadar, District Saran at Chapra.
4. The Additional Collector -Cum-Certificate Officer Saran, Police-station Chapra Sadar, District Saran at Chapra.
5. The District Co-operation Officer, Police-station Chapra Sadar, District - Saran at Chapra.
6. The District Manager Bihar State Food Corporation Chapra, Police-station- Chapra Sadar, District Saran at Chapra.
7. The District Supply Officer, Police-station- Chapra Sadar, District Saran at Chapra.
8. The Sub divisional Officer Saran Sadar, Police-station-Chapra Sadar, District Saran at Chapra.
9. The Circle Officer Revilganj, Police-station Revilganj, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Prasad Yadav, Adv.
For BSFC	:	Mr. Shailendra Kumar Singh, Adv.
	:	Mr. Utkarsh Utpal, Adv.
For the Respondent/s	:	Mr. Additional Advocate General (3)
	:	Mrs. Divya Verma, AC to AAG3

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

3 02-02-2026 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 both the counsels.

2. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has filed his objections regarding the maintainability of the certificate proceedings. However, the authority without going into the same has passed the impugned order. Learned counsel submits that thereafter, the authority has issued distraint order directing the petitioner to deposit the amount adjudicated in the certificate case No. 02 of 2018-19. Learned counsel therefore, prays this Hon'ble Court to allow the present writ petition and set aside the impugned order dated 23.08.2025.

3. *Per contra*, the learned counsel appearing on behalf of the respondent No. 6 vehemently opposes the very maintainability of the present writ petition. Learned counsel submits that the petitioner has filed his objections under Section 9 of the Act after receipt of the notice under Section 7 and the authority has passed the final orders under Section 10. Thereafter, the petitioner has again filed another set of objections which were also disposed of. Learned counsel submits that as against the final orders under Section 10 of the Act, the petitioner is having an alternative and efficacious remedy of filing a statutory appeal before the Commissioner. Learned counsel submits that as per Section 60(1)(B) of the Bihar & Orrisa Public Demand Recovery Act, 1914, if the



Collector has passed the final orders then to the Commissioner.

4. Having regard to the above mentioned facts and circumstances and also duly taking into account that the petitioner is having an alternative and efficacious remedy of filing a statutory appeal before the Commissioner against the order of the Collector dated 12.09.2025, this Court is not inclined to entertain the present writ petition. The present writ petition is disposed of granting liberty to the petitioner to file a statutory appeal under Section 60(1)(B) of the Act before the Commissioner against the orders of the Collector passed *vide* order dated 12.09.2025. The petitioner shall file his appeal within a period of four weeks from the date of receipt of a copy of this order and he is free to raise all grounds including the question of jurisdiction of the Certificate Officer to entertain the certificate case. On such appeal being filed, the authority shall entertain the same and pass a reasoned order duly considering the objections filed by the petitioner and also giving him an opportunity of hearing. The petitioner is also free to file an interlocutory application seeking stay of the impugned order passed and if any such application is filed, the authority shall pass necessary orders.

5. Till the filing of the appeal by the petitioner, the



authority is directed not to take any coercive steps against the petitioner. In case the petitioner does not file the appeal as directed by this Court within the stipulated time, the authority is free to take necessary action against the petitioner.

6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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