

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9820 of 2016

CNR No. BRHC010851922016

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M/s Surbhi Industries Son of Sri Ganesh Singh, Presently residing at Village -
Ratanpur, P.O. Begusarai, P.S. Ratanpur, District Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Khadya Bhawan, Dargoa Rai Path, R. Block, Road No. 2, Patna 800 001
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Sheohar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Vardhan Narayan,
For the State	:	Mr. Shiv Kumar, AC to GA 3
For the BSFC	:	M/s Shailendra Kr. Singh, Utkarsh Utpal, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 09-10-2026

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

*i. Issuance of directions
order or writ in the nature of certiorari
for setting aside the order contained in
Letter No. 6049 dated 17.05.2016
issued by Ganga Kumar, MD, Bihar State
Food and Civil Supplies Corporation Ltd.
Khadya Bhawan, Patna wherein a
blanket order has been issued in the*



name of all the District Managers SFC for adjustment of dues amount of CMR of all the allotted millers after depositing the dues amount, in the instant matter by the aforesaid order the Petitioner is affected as there is no dues in the aforesaid head lying with the Petitioner and by the implication of the aforesaid letter, the direction was given to institute FIR against the millers which will arbitrarily include the Petitioner as well for which a restraintment is prayed for at this stage.

ii. Issuance of directions order or writ in the nature of mandamus directing the Respondents to issue miller license to the Petitioner which had been withheld for the last two seasons.

iii. Issuance of directions order or writ in the nature of mandamus directing the Respondents not to disturb the Petitioner for realization of the dues amount as after computation which is also approved by the Govt. by issuing NOC in favour of the Petitioner even an excess payment of Rs. 15, 457.00 is admitted by the Govt.

iv. Issuance of directions



order or writ in the nature of mandamus directing the Respondents not to take any coercive steps as he is in no way alleged as defaulter in any head as a milling agency for paddy in accordance with terms and conditions in the deed of agreement between the Petitioner and the District Manager, Bihar State Food Corporation, Sheohar.

v. Issuance of direction order or writ in the nature of mandamus directing the Respondents that the name of the Petitioner should be deleted from the list of dues holders as the District manager, Bihar State Food and Civil Supplies Corporation Limited, Sheohar had issued a no objection in regard to Petitioner's M/S Surbhi Industries, Industrial Area Deona, Begusarai in milling of paddy vide Memo No. 35/Sheohar dated 12.01.2016.

vi. Any other relief or reliefs for which the Petitioner may be deemed entitled to."

2. At the outset, the Learned counsel appearing for the respondents submits that the



controversy raised in the present Writ petition is now 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**.

3. It is further submitted by the Learned counsel for the respondents that the issues involved in the present Writ petition have already been considered and decided by this Court in **C.W.J.C. No. 10379 of 2018 (Ranjeet Kumar Jha Vs. The State of Bihar & Ors.)**, vide order dated 11.08.2026, in terms of the judgment rendered by the Hon'ble Supreme Court in ***Pawapuri Rice Mills (supra)***. It is, therefore, submitted that the present writ petition may also be disposed of in terms of the judgment passed by this Court in **Ranjeet Kumar Jha (supra)**.

6. Heard the Learned counsel for the parties.

7. In **Ranjeet Kumar Jha (supra)** this Court has held as follows:



"8.The Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)** has observed as follows:

"37. The next limb of the argument is that the continuation and the concluding of proceedings by the certificate officers are vitiated by procedural irregularities. The arguments on this behalf are already referred to in the preceding paragraphs. To capture the arguments in a nutshell, it is noted that the initiation is not in accordance with the procedure stipulated under the Act, the procedure prescribed by the Act is not followed, and the principles of natural justice are violated.

38. The Act is a comprehensive and codified enactment that provides adequate safeguards for parties facing recovery actions. Parts II and IV of the Act outline the procedures for filing, serving, and contesting recovery certificates, as well as provisions for appeal, revision, and review. Procedural Safeguards : Part II of the Act outlines the procedure for filing, serving, and adjudicating certificates. Sections 43 and 44 provide remedies to challenge certificates in civil courts on specific grounds. The section provides for a time limit of 6 months for availing the remedy to move to the Civil Court. Sections 60, 62, and 63 deal with appeal, revision, and review of the orders



made under the Act.

39. The Division Bench rightly emphasised the availability of these statutory remedies to the aggrieved persons. The Rice Millers, by invoking Writ jurisdiction, have failed to exhaust statutory remedies at the first instance.

40. Mr. Manish Kumar has placed before us the photocopies of the proceedings of the certificate officer, and argued that these proceedings have been initiated in due compliance with the provisions of the Act and have been concluded by duly considering the objections raised by the Rice Millers. In other words, the argument proceeds that there is no procedural infirmity in the respective certificates issued in favour of the Civil Supplies Corporation. Hence, the civil appeals are also liable to be dismissed by rejecting the contentions on procedural deviation.

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. ”

9. However, learned counsel appearing for the petitioner submits that the facts and circumstances of the present case are distinguishable from those involved in **Pawapuri Rice Mills (supra)** and, therefore, the said judgment has no application to the controversy involved in the present Writ petition.

10. Heard the Learned counsel for the parties.

11. The ratio of the aforesaid judgment is that, where an efficacious statutory remedy is available under the PDR Act, the aggrieved party ought ordinarily avail such remedy instead of invoking the extraordinary, Writ jurisdiction of this Court, particularly where the challenge involves disputed questions and alleged procedural irregularities in the certificate proceeding.

12. In the present case also, the petitioner has raised several grounds touching upon the validity of the certificate proceeding, including alleged defects in Form No. 1, non-compliance with the prescribed procedure, alleged absence of proper enquiry and the



question as to whether the amount in question is recoverable as a public demand.

13. *This Court also takes note of the subsequent development relied upon by the petitioner, namely, the Arbitration Award dated 29.08.2019. The petitioner would be at liberty to place the said Award before the competent Certificate Officer and raise all permissible objections including the defects of notice, in accordance with law.*

14. *In view of the law laid down by the Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)**, this Court is not inclined to examine the aforesaid disputed questions or the alleged procedural irregularities in exercise of its Writ jurisdiction at this stage.*

15. *Accordingly, without expressing any opinion on the merits of the rival claims and contentions of the parties, the present Writ petition is disposed of in terms of the judgment of the Hon'ble Supreme Court in **Pawapuri Rice Mills (supra)**.*

16. *The petitioner shall be at liberty to file his objections under Section 9 of the PDR Act, along with a copy of the Arbitration Award dated 29.08.2019 and such other documents as may be necessary, before the concerned Certificate Officer within one month from the date of receipt/communication of the present order.*

17. *In the event the petitioner files such objection within the aforesaid period, the concerned Certificate Officer shall entertain*



and consider the same in accordance with law and pass a reasoned and speaking order after affording due opportunity of hearing to the concerned parties.

18. In result, the Writ petition is disposed of with the above said observations."

8. 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)**.

9. Taking into consideration of the **Pawapuri Rice Mills (supra)** that the petitioner has a statutory remedy under the Bihar & Orissa Public Demand Recovery Act, 1914, the Writ petition is disposed of with a direction to the petitioner to avail the statutory remedy available under the law within four weeks from the date of receipt of this judgment 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.

10. In the meantime, no coercive steps shall be taken against the petitioner in connection with the certificate proceeding in question, subject to the petitioner availing the statutory remedy within the aforesaid period.

11. It is made clear that this Court has not expressed any opinion on the merits of the claim or counter-claim of the parties, and all questions are left open to be considered by the competent statutory authority.

12. With the aforesaid observations and directions, the Writ petition stands disposed of.

13. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2026
Transmission Date	

