

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1929 of 2017

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Prahalad Prasad Sah, Son of Sri Bodh Narayan Sah, resident of village -
Madhay, P.S. Rajoun, District - Banka

.... Petitioner

Versus

1. The State of Bihar through the Collector, Banka
2. The Certificate officer, Banka
3. The District Manager, Bihar State Food and Civil Supply Corporation, Banka

.... Respondents

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-12-2017

The present writ petition has been filed for challenging the entire certificate proceeding no. 17/2014-15 including the order dated 17.12.2016 whereby and whereunder the objection filed by the petitioner was rejected and directed to deposit the entire amount within a month otherwise attachment proceeding has been initiated against the petitioner.

2. At the very outset, this Court takes note that the objection petition filed by the petitioner under Section 9 of the Public Demands Recovery Act (For short, "the Act") has since been disposed of in terms of the impugned order dated 17.12.2016. The petitioner has statutory remedy against the impugned order by way of appeal



under Section 60 of the Act. Learned counsel for the petitioner accepts that the remedy by way of appeal is available against the impugned order.

3. In the above circumstances, this Court is not inclined to enter into the merits of the claim of the petitioner. The writ petition accordingly stands disposed of with liberty to the petitioner to approach the appellate forum against the impugned order.

4. If any such appeal is filed within a period of four weeks, no coercive action shall be taken against the petitioner for a period of four weeks from today to enable filing of its statutory appeal.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
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