

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11443 of 2017

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Ravindra Kumar Chaudhary, Son of Late Suryadeo Chaudhary, Resident of Village- Baghari, P.S.- Sursand, District- Sitamarhi, the then Block Agriculture Officer-cum-Incharge Purchase Centre, Runnisaidpur, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Certificate Officer, Sitamarhi, District Sitamarhi.
3. The Bihar State Food and Civil Supplies Corporation Limited, Patna through the Managing Director.
4. The Chief Procurement, Bihar State Food and Civil Supplies Corporation Limited, Patna.
5. The District Manager, State Food Corporation, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate
For the State : Mr. Sanjay Kr. Giri-GP9
For the BSFC : Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-11-2017

The present writ petition has been filed for quashing the order dated 03.07.2017 passed by the Respondent No. 2 in Case No. 22/2015-16 whereby and whereunder the Respondent no.2 has been pleased to direct the petitioner to deposit Rs. 2,72,573.90 within a period of one week failing which lawful action would be taken as also for quashing the entire proceedings in Case No. 22/2015-16 on the ground that claim of the Respondent State Food Corporation is not covered under Sechedule-1, therefore, in no case the provisions of Bihar and Orissa Public Demands Recovery Act (for short, "the PDR Act") can be invoked for recovery of such amounts.

2. At the very outset, this Court takes note that the



impugned order has been passed disposing of the objection petition filed under Section 9 of the PDR Act against which the petitioner has statutory remedy under Section 60 of the PDR Act by way of filing appeal.

3. In the above view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands disposed of granting liberty to the petitioner to prefer an appeal against the impugned order dated 03.07.2017 passed by the Respondent No. 2 in Case No. 22/2015-16, if so advised, in terms of the provisions of the PDR Act which, if filed, should be considered and disposed of on its own merits and in accordance with law.

4. 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)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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