

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15963 of 2013**

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Umesh Kumar, son of Bindeshwari Prasad, Resident of Village - Manjhauli, P.S.  
Sirdala, District - Nawada

.... .... Petitioner

Versus

1. The State Of Bihar
2. The District Certificate Officer, Nawada
3. The Block Development Officer, Sirdala, District - Nawada

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Devendra Prasad Singh  
Mrs. Uma Kumar, Advocates

For the Respondents : Mr. Durgesh Nandan, AAG 14  
Mr. Jitendra Kumar, AC to AAG 14

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 29-08-2018**

Heard learned counsel for the petitioner as well as learned  
counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 04.06.2013 passed by the respondent no. 2 directing the petitioner to deposit the balance amount of Rs. 8,76,800/- to the Senior Accounts Officer, D.R.D.A Nawada and on failure to do so, steps will be taken for issuance of distress warrant against the grain of S.G.R. of 73,070/- quintal taken by him in the capacity of fair price dealer.

3. At the very outset, this Court takes note that the impugned order dated 04.06.2013 passed by the District Certificate Officer, Nawada (respondent no. 2) disposing of the petitioner's objection petition under Section 9 of the Bihar & Orissa Public Demand Recovery



Act (for short, “the PDR Act”) is amenable to appeal under Section 60 of the PDR Act which has not been availed by the petitioner. Therefore, this Court is not inclined to enter into the merits of the matter in view of the alterative remedy available to the petitioner.

4. The writ petition stands disposed of granting liberty to the petitioner to prefer an appeal against the impugned order dated 04.06.2013 passed by the Respondent No. 2 in Misc. No. 35/2011-12, 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.

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.

6. In the interest of justice, it is directed that the District Certificate Officer, Nawada shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Misc. No. 35/2011-12 for a period of 40 days from today to enable the petitioner to avail statutory appeal.

**(Vikash Jain, J)**

B.T/-

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