

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1469 of 2017
In
Civil Writ Jurisdiction Case No.13347 of 2017

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Krishna Kumar Son of Ashok Kumar, Resident of Temhua Hariharpur, P.S.-
Pupri, District- Sitamarhi, Posted as Kishan Salahkar Sarbesh Godan Pupri,
Present Advisor Purchase Centre Pupri, Sitamarhi. Appellant/s
Versus

1. The State of Bihar
 2. The Development Commissioner, Bihar, Patna.
 3. The District Magistrate, Sitamarhi.
 4. The District Supply Officer, Sitamarhi.
 5. The Sub-Divisional Officer, Sitamarhi Sadar.
 6. The Block Development Officer, Dumra, Sitamarhi.
 7. The Bihar State Food and Civil Supplies Corporation, Patna, through its
Managing Director.
 8. The District Manager, Bihar State and Civil Supplies Corporation Ltd.
Sitamarhi.
 9. The District Certificate Officer, Sitamarhi.
 10. The Deputy Manager Claim S.F.C. Bihar, Patna.
- Respondent/s

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Appearance :

For the Appellant/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Alok Ranjan -Aag5
Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 02-12-2019

“This appeal is directed against the judgment and order dated 20.9.2017 passed by the Hon’ble Mr. Justice Shivaji Pandey in CWJC No. 13347/2017 whereby and where under this Hon’ble Court has disposed of the writ application with observation to file an appeal against the final order passed under section 9 of the Bihar & Orissa Public Demand Recovery Act without considering that while passing the order under section 9 of the Act no personal hearing to the appellant has been given on the point of



Section 9 and if the appellant will file an appeal the appellant have to deposit 50% of the total alleged amount.”

The impugned order in toto reads as under:

“Heard the parties.

In this case, the petitioner is challenging the order dated 17.02.2017/17.05.2017, whereby and whereunder the Certificate Officer vide Case No. 10 of 2015-16 has passed the final order.

The petitioner, if so advised, may file an appeal in terms of Section-60 of the Bihar and Orrisa Public Demand Recovery Act, 1914. In the meanwhile, the order dated 03.08.2017 will be kept in abeyance till filing of appeal within 30 days from today, failure to file appeal, the interim relief treated to be withdrawn. While considering the pendency of this case before this Court.

With the aforesaid observation and direction, this writ application is disposed of.”

In view of the above, we do not find any infirmity in the impugned order.

Accordingly, the present appeal stands dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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