

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1834 of 2020

Masqoor Alam Khan Son of Sri Maqsood Alam Khan Resident of Village
Chorma, P.S.- Pakridayal, District East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Managing Director, Food and Civil Supplies Corporation Ltd. Khadya Bhawan, Daroga Rai Prasad Path, Patna.
3. The District Magistrate, District Bhojpur (Ara), Bihar.
4. The District Certificate Officer, District Bhojpur (Ara), Bihar.
5. The District Manager, State Food Corporation, District Bhojpur (Ara), Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC 4)
		Mr. V.P. Singh, AC to SC 4
		Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-09-2022

Petitioner has prayed for the following relief(s):

“(i) For quashing of the
Undated Notice issued Under
Section 7 of the Bihar and Orissa
Public Demand Recovery Act,
1914 and entire proceedings
arising out of Certificate Case No.
03/19-20 (District Manager, S F C
Ara vrs. Masqoor Alam Khan)



whereby Certificate proceedings for Recovery of an amount of Rs. 1,63,24,477.35 has been initiated against the petitioner; and
(ii) Restraining the Respondents from proceeding further in connection with Certificate Case No. 03/19-20 (District Manager, S F C Ara vrs. Masqoor Alam Khan) during the pendency of the present Writ petition.”

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition to be filed by the petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on



merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall appear in the office of the appropriate authority on 10.10.2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available
in accordance with law;

(g) We are hopeful that as and when petitioner takes
recourse to such remedies, as are otherwise available in law,
before the appropriate forum, the same shall be dealt with, in
accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to challenge the
order passed by the appropriate authority, before the appropriate
forum, if so required and desired.

(i) We have not expressed any opinion on merits. All
issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2022
Transmission Date	

