

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3772 of 2020

1. Vishwanath Singh, s/o Late Jaiyee Singh, r/o Village and P.O. Ambaa Uttari, Prakhand and P.S. Piprahi, District Sheohar.
2. Surendra Paswan, s/o Late Puran Paswan, r/o Village Minapur Balaha, P.S. Piprahi and District Sheohar.
3. Sarvajit Paswan, s/o late Badri Paswan, r/o Village and P.O. Belwa, P.S. Piprahi, District Sheohar.
4. Bindeshwari Prasad, s/o late Jai Kishun Shah, r/o Village Basahiyan Khairwa, Block Piprahi, P.S. Sheohar, District Sheohar.
5. Sonelal Sah, s/o late Janki Shah, Village Minapur Balhua, P.S. Piprahi, District Sheohar.
6. Sitaram Sah, s/o late Kuldeep Sah, r/o Naya Gaon, Mahuva, Amwa Kalan, District Sheohar.
7. Md. Waliullah, s/o late Mahommed Jaleel, r/o Village Basahiyan Khairwa, Block Piprahi, P.S. Sheohar, District Sheohar.
8. Jitendra Singh, s/o late Alakh Dev Singh, r/o Village Ratanpur, Block Piprahi, P.S. Sheohar, District Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Collector cum District Magistrate, Sheohar.
4. The District Rural Development Agency, Sheohar through the Deputy Development Commissioner, Sheohar.
5. Deputy Development Commissioner, Sheohar.
6. The Certificate Officer cum Sub-Divisional Officer, District Sheohar.
7. The Block Development Officer, Block Piprahi, District Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate Mr. Devansh Shankar Singh, Advocate Mr. Tushar Vaibhav, Advocate
For the Respondent/s	:	Mr.Anjani Kumar, AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- i. For quashing the proceedings along with Notices under section 7 of Bihar and Orissa Public Demands Recovery Act, 1914 hereinafter referred to as the PDR Act dated 03.01.2020 and 27.12.2019 (Annexure 1 Series) issued by Certificate Officer cum S.D.O. Sheohar in name of each of the Petitioners informing that Certificate Cases under the PDR Act had been instituted for recovery of various amounts due against Certificate Debtors viz. Petitioners on account of price of container bags allegedly not returned by the petitioners under the SGRY and NFWP Food For work Programmes during 2001-02 to 2004-05 ordering

them to deposit the requisitioned amount mentioned therein in the Block Nazarat and to appear before him on the given date along with deposit receipt and to then present their case or else steps to issue body warrant would be taken. It is submitted that the said action of the authorities and the notices in cases detailed below are without jurisdiction, arbitrary, unjust and illegal:-

<u>Case No.</u>	<u>Name of Certificate Debtor</u>	<u>Demand in Rs.</u>
32/18-19	Petitioner No.1 Vishwanath Singh	26,202/=
41/18-19	Petitioner No.2 Surendra Pawan	1,85,515/=
52/18-19	Petitioner No.3 Sarvajit Paswan	78,821/=
49/18-19	Petitioner No. 4 Bindeshwari Prasad	24,855/=
34/18-19	Petitioner No.5 Sonelal Sah	7,909/=
48/18-19	Petitioner No.6 Sitaram Sah	53,394/=
38/18-19	Petitioner No.7 Md. Waliullah	38,566/=
35/18-19	Petitioner No.8 Jitendra Singh	87,373/=

- ii. For restraining the Respondents from taking any coercive measure against the Petitioners including lodging or taking further action on any F.I.R. or any coercive steps for recovery of the amount mentioned in



the various Notices at Annexure-1 Series as the action is wholly without jurisdiction, arbitrary and unwarranted;

- iii. For quashing and setting aside the Notices dated 20.07.2017 (Annexure 1/1 series) issued to each of the petitioners by the Block Development Officer, Piprahi for depositing amounts in lieu of foodgrains or container bags or else auction notice would be issued or F.I.R. would be lodged against each of the petitioners; and
- iv. For any other reliefs for which the Petitioner may be found entitled on the facts and in circumstances of the present case.

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/petitioners intend 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 filed/ to be filed by the petitioners under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioners 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) Petitioners shall appear in the office of the appropriate authority on **11.10.2022** 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 petitioners' petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioners before him and till then no coercive steps be taken against the petitioners;

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

(d) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the



parties;

(g) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioners take 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;

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

(j) 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)

Ashwini/Sujit

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	29.09.2022
Transmission Date	NA

