

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3961 of 2019

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Sujit Kumar sonu. Son of Chandramani Prasad Resident of Village-Barhauna, P.O.-Chandi, Police Station-Chandi District-Nalanda, Bihar, then Block Statistical Supervisor, Rajpur Block Cum-In-Charge Purchase Center, Sanjholi, District-Rohtas, at Present Block Statistical Supervisor Pakaribaraw Block, Nawada, P.S. Nawada, District-Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Food and Consumer Protection Department Government of Bihar, Patna
2. The Bihar State Food and Civil Supplied Corporation through its Managing Director Sone Bhawan, Near Block, Patna
3. The District Collector, Rohtas at Sasaram Bihar
4. The District Certificate Officer, Rohtas at Sasaram
5. The Sub-Divisional Officer, Bikramganj District Rohtas at Sasaram
6. The District Manager, Bihar State Food and Civil Supplied Corporation District Rohtas at Sasaram Bihar
7. The Block Development Officer, Sanjhulali Block Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Advocate Mr. Rohit Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC-4)
For the BSFC	:	Mr. Shalendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

I. For certiorari setting aside the certificate case No. 27 of 2015-2016 which has initiated against the petitioner, is contrary to the statutory rules of public demand Recovery Act, 1914 (herein after referred as P.D.R. Act 1914 for the sake of brevity) as there is no certificate or the requisition as per law, which

is evident from the notice attached in Annexure-5, 5/A, 5B & 5C to this writ application, thus amount to defective notice defective initiation of the certificate case.

II. A certiorari setting aside the certificate of the certificate case No. 27 of 2015-2016 which has been initiated against the petitioner U/s. 7 of the Public Demand Recovery Act by which it is asked to pay amount of Rs. 1183684.50/- by the petitioner on the ground that the process is not followed by the Bihar State Food and Civil Supplies Corporation Rohtas at Sasaram (herein after referred as “B.S.F.C.” for the sake of brevity) in mentioning the the case number without following the mandatory process as the form no. 1, 2 has not been sent properly (requisition) which is in violation of the fundamental rights of the petitioner, the amount of calculation has not been done properly.

III. A certiorari setting aside the entire process initiated in certificate case no. 27 of 2015-2016 including entire order sheet (Annexure-2) and to issued the fresh certificate, on the ground that the same is without the proper certificate or requisition under the Public Demand Recovery Act, 1914 and thus the whole process is without jurisdiction.

IV. Any other writ/writs for granting any other relief/reliefs for which the petitioners are found entitled to in the facts(s) and circumstance (s) of the present case.”

From the record of proceedings dated 09.01.2017 (page 58), it is evident that no notice under Section 7 was ever issued to the petitioner prior to the commencement of the proceedings under the provisions of the Bihar & Orissa Public Demands Recovery Act, 1914.

In this view of the matter, the proceeding initiated by the respondents against the petitioner under the provisions of the

Public Demands Recovery Act are quashed and set aside
reserving liberty to the respondents to initiate a fresh proceeding
in accordance with law.

Needful be positively done within a period of four
weeks from today.

Petitioner undertakes to fully corporate in the
proceedings, in fact appear before the appropriate authority on
the date, which would be fixed by the respondents.

All questions of facts and law are open.

The proceedings shall be decided expeditiously and
preferably within a period of six months from the date of its
initiation.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	