

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5200 of 2020

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Vijay Kumar Chaudhari Son of Shiv Kumar Chaudhari, Resident of Village-
Kuama, P.S.-Piprahi, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Sheohar.
3. The District Supply Officer, Sheohar.
4. The Subdivisional Officer, Sheohar.
5. The District Certificate Officer cum Sub-divisional Officer, Sheohar.
6. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Sitamarhi.
7. The Block Development Officer, Piprahi, District-Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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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

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

“i) For issuance of a writ in the nature of certiorari for quashing the certificate case no. 42/18-19 including the initiation of the certificate case No. 42/18-19, notice dated 29.8.2018 under section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 for recovery of an amount of Rs. 11088/- issued under the signature of the Certificate Officer (Respondent No. 5) as contained in



Annexure-2 to the writ petition.

ii) For issuance of a writ in the nature of certiorari for quashing the requisition/application for certificate under section 5 of the Bihar and Orissa public demand recovery Act, issued under the signature of Presiding Officer Cum B.D.O., Piprahi for recovery of an amount of Rs. Rs. 11088/- for bag taken under the SGRY/NFFW (Sampoorn Gramin Rojgar Yojna/Rastriya Kam ke Badle Anaj) Yojna, Sheohar as contained in annexure-1 to the writ petition.

iii) To grant any other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the 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/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 09.11.2022 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

