

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5037 of 2022

1. Shri Brajesh Kumar Singh Son of Shri Kaushalendra Prasad Singh Resident of Village and Post- Mehsi, P.S.- Sakra, District- Muzaffarpur.
2. Vishnu Deo Rai Son of Sri Yogendra Rai Resident of Village- Vijaypura, P.S.- Baligaon, District- Vaishali.
3. Ranjan Kumar Son of Sri Birchandra Rai Resident of Village- Khwajipur Basti, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary and Supply Department, Government of Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Sub Divisional Officer cum Certificate Officer, East Muzaffarpur, District Muzaffarpur.
4. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Prakash Shharma, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-05-2022

Heard learned counsel for the parties.

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

“I. For issuance of an appropriate writ in the nature of certiorari to quash the entire certificate proceeding initiated under certificate case no. 837 of 2014-15 and the order dated 15.10.2019 passed in the same by the certificate officer cum sub divisional officer (east) Muzaffarpur under Section 10 of the Bihar and Orissa Public Demand Recovery Act 1914 (hereinafter referred to as “Act of 1914) as the certificate proceeding has been initiated for the recovery of amount which is still disputed and has not been ascertained by any other competent civil forum so as to become recoverable under the act of 1914, thus the certificate proceeding has been started without following the due procedure established by law, thus, being illegal and void initio and without jurisdiction.”

After some arguments, learned counsel for the petitioners seek permission to withdraw the present petition to enable him to file appeal against the impugned order before Appellate Authority.

Prayer is allowed.

The writ petition is disposed of with liberty to the petitioners to file an appeal under Section 60 of the Public Demand Recovery Act, 1914 before the Appellate Authority against the order passed by the Certificate Officer under Section 10 of the PDR Act. If any such appeal is filed, the Appellate Authority shall condone the delay in filling the appeal and decide the appeal on merit after hearing all the concerned parties. It is made clear that any such appeal is to be heard only after pre-deposit of required amount by the petitioners for

entertaining the appeal as determined.

It is further clarified that this Court has not expressed any opinion with respect to merit of the case and all issues of fact and law are left open for adjudication by the Appellate Authority.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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