

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7182 of 2019

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Kranti Singh, aged about 47 years (Male) S/o Late Shaligram Singh Vill. and
P.o. and P.s.- Dharhara, Distt.- Maunger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Food and Consumer Protection Department, Govt. of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Limited Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna
3. The Managing Director The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna
4. The Deputy Managing Director The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna
5. The Chief of Administration The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna
6. The Deputy Chief of Claim/Vigilance/Confidential Branch The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna Officer-in-charge, Gopalpur, Gopalganj
7. The District Manager The Bihar State Food and Civil Supplies Corporation Limited, At and P.o. and P.s. and Distt.- Saran at Chapra
8. The Bihar State Handloom Weavers Co-oprative Union Limited Udyog Bhawan, Gandhi Maidan, Patna
9. The Managing Director The Bihar State Handloom Weavers Co-Operative Union Limited, Udyog Bhawan, Gandhi Maidan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Gyanendra Kumar Singh, Advocate
For the BSFC	: Mr. Shailendra Kumar Singh, Advocate
For the State	: Mr. Arvind Ujjwal, SC 4
For the Respondent no. 8 and 9	: Mr. Sanjay Kumar, Advocate



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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-10-2022

Heard learned counsel for the parties.

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

“1. That the petitioner craves indulgence of the Hon'ble High court for issuance of the appropriate writ(s) or order(s) or direction (s) to the Respondents by quashing the order dated 28-08-2018 passed in certificate Case No. 05/17-18 by the Additional Collector-cum-certificate Officer Saran at Chapra without fixing liability of the defalcation and damage of grains of Rupees One Crore Seventy One Lac Sixty three thousand six hundred and Seventy (Rs. 1, 71, 63,670/-) only through the Departmental proceeding or criminal case bearing Parsa P.S. Case No. 17/17 which is still under investigation, upon the petitioner for which the petitioner is entitled to.”

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 filed/ 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 **7th of November, 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) 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioner 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	2010/2022
Transmission Date	

