

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6928 of 2019

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Vijay Kumar (Male) aged about 57 years, Son of Saryug Sao, resident of Village- Kusumbha, P.O.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Bihar, Patna.
2. The Secretary, Rural Development Department, Bihar, Patna.
3. The Deputy Development Commissioner, Sheikhpura.
4. The Block Development Officer Block- Sheikhpura, District- Sheikhpura.
5. The Certificate Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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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 the issuance of a rule in the nature of writ of certiorari for quashing the Notice cum Order/Direction dated 12-01-19 issued under the signature of Respondent No. 4. The Block Development Officer, Sheikhpura whereby and whereunder the petitioner has been directed to deposit Rs. 319908.70 for the undelivered rice weighing 233.5 quintals of Sampoorana Gramin Rozgar Yojana (In short- S.G.R.Y.) at the rate of Rs. 1370/- per quintal modifying the earlier Notice to deposit at the rate of



Rs. 877.20 per quintal in the light of the Letter No. 402448 dated 19-12-2018 issued under the signature of Secretary, Rural Development Department and Letter No. 1784 dated 26-12-2018 issued under the signature of Deputy Development Commissioner, Sheikhpura without enclosing the aforesaid letter (although it is mentioned that photocopy of the same is enclosed) within one week or else F.I.R. would be lodged against the petitioner and it has also been mentioned in the aforesaid Notice that Certificate Case No. 10/11-12 has been lodged against the petitioner for the aforesaid amount but the petitioner has not received any Notice under section 7 of the Public Demand Recovery Act (In short- P.D.R. Act) till date.

(ii) for the issuance of a rule in the nature of writ of Mandamus commanding Respondent No. 4 to comply the order dated 30-08-11 passed by this Hon'ble Court in C.W.J.C. No. 13623 OF 11 which was disposed of in terms of order dated 06-07-11 passed in C.W.J.C. No. 711 of 11 and C.W.J.C. No. 757 of 11 and to dispose of the Reply to the Show Cause dated 01-10-11 filed by the petitioner in terms of order dated 30-08-11 passed by this Hon'ble Court in C.W.J.C. No. 13623 of 11.”

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 **4th 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/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

