

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6820 of 2019

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Shri Pradeep Kumar Das, aged about 63 years, Male, S/O Gorelal Das,
residence at Line Bazar Near Islamia Girls High School, Purnea - 854301

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Patna.
2. District Certificate Officer, Purnea.
3. Director, Food Processing, Department of Industry, Patna.
4. M/S Tarouna Cold Storage Pvt. Ltd., a company incorporated under the Companies Act having its registered office at H.No. 90, Line Bazar, Purnea through its Director Pradeep Kumar Das, S/o Late Gorelal Das, Director, R/o H.No. 90, Line Bazar, P.S. Jalalgarh, District - Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Jha, Advocate
For the Respondent/s : Mr. Subash Prasad Singh, GA 3

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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

The petitioner has prayed for the following relief/s :-

“1. That the petition is being filed for issuance of writ in the nature of certiorari for quashing the certificate case no. 1052/2018-19 and the notice issued u/s 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 which has been issued against the petitioner by respondent no.2 for realization of alleged dues as 'public demand' though no 'public demand' exists within the meaning of Bihar & Orissa Public Demand Recovery Act, 1914.

The petitioner further prays for issuance of writ in nature of mandamus restraining the respondent



concerned from proceeding further in certificate case no. 1052/2018-19.

The petitioner further prays for issuance of any appropriate writ/writs, order/orders and/or direction/ directions for which petitioner may be found entitled.”

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/-
P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	18/10/2022
Transmission Date	

