

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7239 of 2022

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Dilbahal Singh, son of Late Satyanarayan Singh, resident of Village-
Didanagar, P.s.-Sanahula, District-Bhagalpur, present resident of Gumti
Number-12, Ishakchak, P.S. Bhikanpur, town and District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Bhagalpur Division.
2. The Commissioner, Bhagalpur Division.
3. The Collector Bhagalpur.
4. The District Supply Officer, Bhagalpur-cum-Certificate Officer, Bhagalpur.
5. Bihar State Food and Civil Supplies Corporation through its General
Manager Finance and Internal Finance Advisor, Corporation Headquarter,
Patna.
6. The General Manager Finance and Internal Finance Advisor, Corporation
Headquarter, Patna.
7. The Deputy General Manager (DGM) Administration, Corporation
Headquarter, Patna.
8. The District Manager, Bhagalpur office of the Bihar State Food and Civil
Supplies Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dev Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-5
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

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



- A. For setting aside the impugned certificate dated 31-10-2019 signed and issued by the respondent certificate officer , Bhagalpur under the Bihar and Orissa Public demand Recovery Act in certificate case number 7/2019-20 whereby and where under an amount to the tune of Rs. 2,72,76,184.86 (Rs.two crore , seventy two lakh, seventy six thousand one hundred and eighty four and eighty six paise only) has been demanded in light of the requisition made by the respondent corporation on the basis of so called speaking order dated 5-9-2019 which was admittedly passed behind the back of the petitioner without affording him any opportunity of hearing to him .
- B. For setting aside the entire certificate case number 7/2019-20 initiated upon the requisition of the respondent corporation on the basis of so called speaking order dated 5-9-2019 which was admittedly passed behind the back of the petitioner without affording him any opportunity of hearing to him and further the same has been proceeded by the certificate officer without jurisdiction as the amount demanded does not falls within the category of Public demand in light of the schedule -1 of the Act.
- C. For setting aside the impugned notice dated 31-10-2019 issued upon the petitioner in certificate case no. 7/2019-20 .
- D. For any other relief or reliefs as deem fit and proper in the facts and circumstances in this 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 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 **12th of August, 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	NAFR
CAV DATE	NA
Uploading Date	30.07.2022
Transmission Date	NA

