

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9811 of 2019

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M/s Kishmat Rice Mill through its Proprietor Kishmato Devi @ Kismat Devi,
W/o Sri Rajan Rai, R/v- Jitwarpur, P.S. Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapara.
3. The Bihar State Food and Civil Supplies Corporation, through its Managing Director, Sone Bhawan, Bir Chand Patel Marg, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Bir Chand Patel Marg, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Saran, Chapra.
6. The Food Corporation of India, through its Divisional Manager, Saran Division, Distt. Saran(Chapra).
7. The Additional Collector Cum Certificate Officer, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kr. Srivastava, Adv.
For the Respondent/s : Mr. Arvind Ujjwal, SC4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2022

Petitioner has prayed for the following reliefs:

“That this writ application has been filed on behalf of the petitioner for issuance of an appropriate writ/writs/order/orders commanding/directing the respondents for quashing the demand notice issued vide letter no.- 1045 dated 20.07.2014, read alongwith letter no.- 651 dated 02.05.2014, letter no.- 815 dated 06.06.2014 the Annexure- 5, 5/1 and 5/2 of the petition issued under the signature of the



respondent no. 5 whereby and whereunder the illegal arbitrary and perverse demand of Rs. 45,53,674.60 has been made from the petitioner as the value of 2102.77 Kg of CMR and further for quashing of the letter dated 23.08.2018 issued by the Additional Collector Certificate Officer Saran by which the illegal demand of Rs. 8,87,966/- was made from the petitioner the Annexure- 22 of the petition when the petitioner has made all the payments and demand for no objection certificate and the transportation charge which was already paid by the petitioner of the amount of Rs. 1,84,500/- was not adjusted by the respondents.”

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 **30.11.2022 at 10:30 A.M.** 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) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the



parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(i) 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)

Bibhash/Sujit

(Partha Sarthy, J)

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022
Transmission Date	

