

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12823 of 2021

1. Sarwajit Paswan Son of Late Badri Paswan Resident of Village- Belwa, Police Station- Piprahi, District- Sheohar.
2. Bindeshwari Prasad @ Bindeshwari Prasad Son of Late Jay Kishun Sah Resident of Village- Basahiya Shekh, Police Station- Piprahi, District- Sheohar.
3. Sitaram Sah Son of Late Kuldeep Sah Resident of Village- Nayagaon Mahuawa, Police Station- Piprahi, District- Sheohar.
4. Jagarnath Prasad Son of Late Ramdhani Sah Resident of Village- Maisodha Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Collector-cum-District Magistrate, Sheohar.
4. The District Rural Development Agency, Sheohar through the Deputy Development Commissioner, Sheohar.
5. The Deputy Development Commissioner, Sheohar.
6. The Certificate Officer-cum-Sub Divisional Officer, District- Sheohar.
7. The Block Development Officer, Block Piprahi, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, GA-2

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



2 12-01-2022

Petitioners have prayed for the following relief(s):

“I. To quash the Notices dated 25.08.2018 (Annexure-17 series) under Section 7 of the Bihar and Orissa Public Demands Recovery Act. 914 hereinafter referred to as the PDR Act issued by Certificate cum-S.D.O., Sheohar in name of each of the petitioners informing that huge amounts were due against certificate debtors viz. Petitioners on account of dues for Food Programmes as below:

Sl no	Name of Debtor	Case No.	Date of notice u/s 7	Demand of Due (in Rs.)
1.	Soravjit Paswan	57/2012-13	25.08.2018	1.37.000
2.	Bindeshwari Prasad	32/2018-19	25.08.2018	84.474
3.	Sitaram Sah	53/2012-13	25.08.2018	3.37.458
4.	Jaganath Prasad	54/2012-13	25.08.2018	1.33.136.60

II. For restraining the respondent from taking any coercive measure against the Petitioner including lodging or taking further action on any FIR or any coercive steps for recovery of the amount mentioned in the various Notices dated 25.08.2018(Annexure - 7 Series) as the action is wholly arbitrary and unwarranted and illegal

III. For declaration that in view of the delays, neglect and inaction of the Respondents in issuing the permits for distribution of Rice in respect of National Food for Work Programme-2004-05(NFWP) and Sampurna Gramin Rojpar Yojna (SGRY)-2005-06 leading to delay and rotting destruction of the food grain (Rice) due to long storage, the Respondents could not have held the petitioner responsible for refund of any amount purporting to be the value of food grains warranting any action of recovery against the petitioners.

IV. To grant leave to add, amend, modify or otherwise vary the grounds in support of this writ.

V. To grant such other relief or reliefs to which the



petitioner may be found entitle in equity and or in law by Your Lordships in the facts and circumstances of this case.”

After the mater was head for some time, learned counsel for the petitioners, under instructions, states that the petitioners shall be content if the petition is disposed of with liberty to to take recourse to such other alternate remedies which are equally efficacious in law, including the provisions of the Public Demand Recovery Act, 1914.

Prayer allowed.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law are left open, petition is disposed of in the following terms:

(a) The petitioners shall make themselves available before the concerned authority on 06.02.2022;

(b) On the said date, the next date of hearing in the matter shall be fixed;

(c) Petitioners shall fully cooperate and not take any unnecessary adjournment;

(d) The officer shall adjudicate the issue and pass a speaking order assigning reasons, within a period of six months thereafter;

Needless to say that while considering such request,



principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioners shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take 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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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