

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17349 of 2016

=====

Raj Kumar Mahto Son of Susil Mahto resident of Village and Mohalla-
Basantganj Molbi Mohalla- P.O.- Lal Bag, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Civil Supplies Corporation Ministry of
Food and Civil Supplies, G
3. The District Magistrate, Bhagalpur.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation,
Bhagalpur.
6. The District Supply Officer, Bhagalpur.
7. The Certificate Officer, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Advocate
		Mr. Shiv Pratap, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad- AAG 5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-08-2022

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

“(i) Issuance of direction order or writ in the nature of certiorari setting aside the notice issued by the certificate officer, Bhagalpur on dated 10.11.2015 u/s 7 of the Bihar and Orissa Public demand Recovery Act upon Raj Kumar Mahto resident of Mohalla- Lalbag, District- Darbhanga for realization of Rs.



1,02,11405=27 as dues of Bihar State Food Corporation Ltd. Bhagalpur, which is an illegal order for realization of the aforesaid dues amount from the petitioner.

(ii) Issuance of directions order or writ in the nature of mandamus for direction to respondents to Re-calculate the amount claimed as certificate dues after verification of stock register, Sale register and relevant document etc.

(iii) Any other relief or reliefs for which the petitioner may be deemed entitled to.”

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 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 31st 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) 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)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	18.08.2022
Transmission Date	

