

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9454 of 2022

1. Shivnath Pandey, Son of Late Dev Saran Pandey, Resident of Village-Bhatkan Khem, Panchayat- Narendra Pur, Block- Jiradei, P.S.- Aandar, Dist- Siwan.
2. Nand Kishore Yadav, Son of Late Kashi Chaudhary, Resident of Village-Banthu Salauna, Panchayat- Kiiaa Bhatkan, Block- Jiradei, P.S.- Aandar, Dist- Siwan.
3. Harendra Manjhi, Son of Late Khekhar Manjhi, Resident of Village- Surbal, Block- Jiradei, P.S.- Jiradei, Dist- Siwan.
4. Surendra Manjhi, Son of Late Chandradev Paswan, Resident of Village-Chotka Manjha, Panchayat- Chotka Manjha, Block- Jiradei, P.S.- Jiradei, Dist- Siwan.
5. Hareram Mishra, Son of Late Baidhnath Mishra, Resident of Village- Khargi Rampur, Panchayat- Jamapur, Block- Jiradei, Dist- Siwan.
6. Ramnath Singh, Son of Late Ramchiz Singh, Resident of Village- Bhikhpur, P.O.- Bhikhpur, Block- Jiradei, P.S.- Aandar, Dist- Siwan.
7. Rajesh Kumar, Son of Late Bibhuti Prasad, Resident of Village- Dhepha, Panchayat- Dhepha, Block- Jiradei, P.S.- Jiradei, Dist- Siwan.
8. Suman Kumar Sinha, Son of Late Bishwanath Prasad, Resident of Village-Akolhi, Panchayat- Akolhi, Block- Jiradei, Dist- Siwan.
9. Akshaywar Kumar Das, Son of Late Raghuwar Das, Resident of Village-Marthuaa, Panchayat- Chandpali, Block- Jiradei, P.S.- Jiradei, Dist- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
3. The Commissioner Saran Division, Chhapra.
4. The District Magistrate Siwan.
5. The Deputy Development Commissioner, Siwan.
6. The Certificate Officer-cum- the District Supply Officer, Siwan.
7. The Block Development Officer, Jiradei, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bishnu Kant Dubey, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal, SC-4

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



(Per: HONOURABLE THE CHIEF JUSTICE)

- 2 04-08-2022 Petitioners have prayed for the following relief/s :-
1. That this is an application for issuance of a writ in the nature of Certiorari to quash the notice dated 04-02-2022 in certificate case no.49, 53, 48, 50 as also on 18-02-2022 certificate case no. 62, 63, on 08-03-2022 certificate case no. 47 on 09-03-2022 certificate case no. 59 and on 23-03-2022 certificate case no. 56 of 2011-12 issued under the signature of Certificate Officer-cum-District Supply Officer, Siwan under the provision of Bihar and Orrisa Public Demand Recovery Act, 1914 whereby the petitioners have been directed to deposit the amount mentioned in the Certificate, Court Fees and interest for which certificate case has been filed against the petitioners payable under the head Supply within the time limit mentioned in the notice otherwise the certificate will be made for execution and for issuance of consequential writ in the nature of Mandamus directing and commanding the respondents particularly Respondent Deputy Development Commissioner, Siwan and Block Development officer Jiradei to examine the matter and fix the responsibility/liability/responsibility first whether the petitioners are liable/responsible as per the certificate case lodged against the petitioners and only thereafter proceed further and/or for issuance of a writ /order /direction for which the petitioners may be found legally entitled to under the facts stated above herein under.



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) Petitioners shall appear in the office of the appropriate authority on 18th 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;

(i) Liberty reserved to the petitioners 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

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