

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11398 of 2022

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Ajay Chaudhary Son of Jarman Chaudhary, Resident of Rahimpur Tola
Sonbarsha, Ward no 15, P.S.- Khagaria (M), District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Dist. Magistrate Khagaria.
2. The Dist. Magistrate, Khagaria.
3. The Dist. Certificate Officer, Khagaria.
4. The Bihar State Food and Civil Supplies Corporation, Khadya Bhawan,
Daroga Rai Path, Patna- 1 through its Managing Director.
5. The District Manager, Bihar State Food and Civil Supply Corporation,
Motihar Dist- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amrendra Narayan Rai, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC4)
		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)

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**(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.)**

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Date : 12-08-2022

Heard learned counsel for the parties.

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



- I. For issuance of appropriate writ order/orders, direction/directions in the nature of Certiorari for setting aside the requisition dt. 24.4.2021 filed by Dist. Manager SFC Khagaria and notice dt. 08.06.2021, issued u/s 7 PDR Act, by the Dist. certificate officer Khagaria, in certificate case no. 1/ 2021-2022 as contained in Annexure 4 and 5 of this writ petition by which petitioner has been intimated to pay Rs. 94,73,954/- under Bihar and Orissa Public Demand Recovery Act, 1914 (herein after referred as PDR Act), despite the fact that in terms of section 6 of PDR Act the law bars recovery and certificate officer has no jurisdiction to proceed in the matter.
- II. For issuance of appropriate writ order/orders, direction/directions to the respondents specially certificate officer Khagaria for not taking any coercive action in view of the notice dt. 8.6.2021 issued by certificate officer Khagaria.
- III. The petitioner further prays for any other appropriate relief/reliefs, direction/directions for which he is entitled in the facts and circumstances of the 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 September, 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

