

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11484 of 2022

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Amarnath Pandey Son of Late Baliram Pandey, R/o Village Harnathpur, P.S.
Raghunathpur, Dist - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation through its Managing Director, Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Bihar, Patna.
5. The District Magistrate, Siwan.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Siwan.
7. The Certificate Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG5)
		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) In the nature of Certiorari for setting aside the entire certificate proceeding bearing certificate case no. 14/2014-15- is pending before the certificate officer, siwan whereby and where under

certificate proceeding to the tune of Rs. 36,30,057.80 has been instituted

- (ii) In the nature of certiorari for setting aside the order dated 04.03.2022 passed by certificate officer, siwan whereby by the petitioner was directed to deposit the amount by 05.04.2022 failing which warrant of arrest has been directed to be issued against the petitioner in the aforesaid certificate proceeding
- (iii) In the nature of certiorari for setting aside the order dated 07.06.2022 passed by the certificate officer, siwan whereby the warrant of arrest has been issued against the petitioner in the aforesaid certificate proceeding.
- (iv) In the nature Mandamus directing the respondent not to go ahead with certificate case or taking any coercive action against the petitioner.
- (v) For any other relief / relief for which the petitioner is entitled in the facts and circumstance 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	

