

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17875 of 2021

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Bhismacharya Ray, S/o Late Uday Narayan Ray, R/o Vill.- Ekauna, P.S.-
Simri, Dist. - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Rural Development, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary Rural Development Dept. Govt. of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Buxar.
4. The Deputy Development Commissioner, Buxar.
5. The Certificate Officer-Cum-Circle Officer, Simri, Buxar.
6. The Block Development Officer, Simri, Dist.- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

(I) For quashing the Notice dated 15.09.21 under Section 7 of the Bihar and Orissa Public Demands Recovery Act, 1914 here in after referred to as the PDR Act issued by certificate officer cum Circle Officer Simri, Buxar in name of the petitioner informing that to file show cause for the above amounts were due against certificate debtors Viz petitioner on account of dues for food programme as below:-

Case No.	Name of Debtor	Demand due in Rs.
13/2019-20	Bhismacharya Ray	77610= 00
13/2021-22		

(ii) For restraining the respondents from taking any coercive measure against the petitioner including lodging or taking further action or any coercive steps for recovery of the amounts

mention in the notice dated 15.09.21 issued under the signature of Certificate Officer -cum- Circle Officer, Simri, Buxar as the action is wholly arbitrary and unwarranted.

(iii) For a declaration that in view of the delays, neglect and inaction of the respondents in issuing the permits for distribution of rice in respect of Sampurna Gramin Rojgar Yojana (SGRY) leading to delay and destruction of the food grain due to long storage, the respondents could not have held the petitioner responsible or refund of any amount purporting to be value of food grain warranting any action or recovery against the petitioner.

(iv) For the issuance of other appropriate writ/writs, direction / directions, order / orders as may be deem fit and proper.

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 **14.07.2022** 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)

Sanjay/- Ranajn

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2022
Transmission Date	NA