

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17848 of 2019

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Rahul Kumar Son of Deo Narayan Mandal, R/o Village- Pipra, Bijwar, P.O. Kankhedia, P.S. Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The District Collector, Araria, District- Araria.
3. The District Certificate Officer, Araria, District- Araria.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Araria, District- Araria.
5. Sri Ashutosh Kumar, Block Agriculture Officer, Bhargama, District- Araria, Now Agriculture Officer, Kadwa Block, Kadwa, Distt Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sushanta Kumar Das, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG5)
		Mr. Bijay Kumar Sinha, Advocate
		Mr. Alok Ranjan, Advocate
BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 13-12-2022 Heard learned counsel for the parties.

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

“For appropriate writ, order and direction on the respondents and for quashing of the order dated 12th Sept. 2015 and 19th September, 2016 passed in Certificate Case No. 02/2015-16, annexure-5 and 6 by District Certificate Officer Respondent No.3 by which the petitioner has been directed to pay Rs.2,27,375.80/- fixing liability for payment of the same...”

It is not in dispute that petition under Section 9/60 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 9/60 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 27.12.2022 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 9/60 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;



(i) Liberty reserved to the petitioner 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)

(Partha Sarthy, J)

Ashwini/Sujit

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