

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16897 of 2019

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Chandrika Prasad Singh Son of Late Luchi Singh resident of- Mangalam Colony, Bailey Road, Saguna, P.S.- Danapur Cant, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Motihari.
2. The Bihar State Food and Civil Supplies Corporation, Khadya Bhawan, Daroga Rai Path, Patna- 800 001.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Khadya Bhawan, Daroga Rai Path, Patna- 1.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Motihari, District- Motihari.
5. The Dist. Magistrate, Motihari.
6. The Certificate Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Narayan Rai
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

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 dt 22.5.2018 filed by Dist. Manager SFC Motihari and notice dt. 19.03.2019, issued by the certificate officer East champaran Motihari,, in certificate case no 2/ 2018-2019 as contained in Annexure 3 and 4 of this writ petition by which petitioner has



been intimated to pay Rs 1,04,97,764/ under Bihar and Orissa Public Demand Recovery Act, 1914 (herein after referred as PDR Act) on the ground that there was no agreement or written statement in terms of Schedule-1 of the PDR Act by the and demand can not be recoverable as public demand therefore the said certificate proceeding is wholly without jurisdiction and not sustainable in the eye of law.

II. For issuance of writ appropriate order/orders, direction/directions to hold that the petitioner is not responsible to pay the any due amount which is recoverable from the concerned rice miller and for which a certificate case no 35/2014-15 has already been instituted for recovery of same amount against the rice miller.

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 and Section 16 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 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 23.12.2022 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 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)

(Partha Sarthy, J)

Bibhash/KCJha

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

