

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20966 of 2021

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Annadev Singh @ Anand Deo Singh S/o Raj Kishore Singh Proprietor of M/s Narayan Agro Food Products, Resident of Village- Sonia, P.S.- Dautpur, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
3. Collector cum District Magistrate, Saran (Chapra).
4. Bihar State Food and Civil Supplies Corporation Ltd., Patna through Managing Director.
5. Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Patna.
6. District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Chapra.
7. Assistant Godown Manager, Bihar State Food and Civil Supplies Corporation Ltd., Manjhi, District- Saran at Chapra.
8. District Supply Officer, Saran at Chapra.
9. District Certificate Officer-cum-Additional Collector, Saran at Chapra.
10. Block Agriculture Officer, Manjhi, District Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shanti Pratap, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 14-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For quashing entire proceeding of the Certificate Case No.17/2014-15 filed by Bihar State

Food and Civil Supplies Corporation, Chapra against the petitioner for recovery of an amount of Rs.28,64,010/- for 1000 quintal paddy alleged to be taken from sale centre, Manghi.

(ii) For, holding that the certificate case no.17 of 2014-15 filed against the petitioner before the Additional leveter cum certificate Officer, Saran at Chapra is based on wrong assumption of fact and extraneous consideration and as such same is liable to be quashed.

(iii) For any other appropriate relief/reliefs as your lordship may 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 02.03.2022 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/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2022
Transmission Date	NA