

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21738 of 2019

Vijay Sharma, Son of Late Shivdeo Singh, Resident of Village-Rukunpura,
Police Station-Ghoshi, District-Jehanabad.

... .. Petitioner/s

Versus

1. The Administration-in-chief, Bihar State Food and Civil Supplies Corporation Limited, Daroga Prasad Rai Path, Veerchand Patel Road Area, Patna, Bihar Pin Code-800001.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Daroga Prasad Rai Path, which are Veerchand Patel Road Area, Patna, Bihar Pin Code-800001.
3. The Additional Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Daroga Prasad Rai Path, Veerchand Patel Road Area, Patna, Bihar Pin Code-800001.
4. The District Manager, Food Corporation, Chhapra.
5. The Additional Collector cum Certificate Officer, Saran, Chapra.
6. The Additional Collector cum Auction Letter Officer, Saran, Chhapra.
7. The Anchal Adhikari, Ghosi, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5
		Mr. Shailendra Kumar Singh, Advocate
		Ms. Anukriti Jaipuriyar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-12-2022 Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ commanding the respondents for quashing the order dated 25/07/17 issued by the certificate officer, Bihar state Corporation. Chhapra bearing case no. 08/2016-17 (B.S.F.C. Chhapra Vrs Vijay Sharma) against the petitioner for depositing the amount of Rs.7 85873.



79 plus interest as contained in annexure-9 to this writ petition

(ii) For issuance of an appropriate writ commanding the respondents to stay the amount of Rs.7 85873. 79 plus interest as contained in annexure-9 to this writ petition

(iii) For issuance of an appropriate writ commanding the respondents to exonerate from the charges of certificate case because alleged amount Rs.7 85873. 79 plus interest has not been made against the petitioner as per facts of the circumstances of the said writ petition

(iv) For relief/reliefs for which the petitioner is entitled under the law as well as the facts of the circumstances of the writ petition.”

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 02.01.2023 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) 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)

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