

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22631 of 2019

Radheshayam Tiwari S/o Ram Nagina Tiwari, Proprietor of M/s Shayam Rice Mill R/o Vill-Maura, P.O.-Chandra Kaithi, P.S.-Chenari, Dist.-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd. Khady Bhawan, Patna.
3. The District Magistrate, Rohtas. Sasaram.
4. The Certificate Officer, Rohtas, Sasaram.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Ltd. Rohtas, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Advocate Mr. Harendra Singh, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Shailendra Kumar Singh, Advocate Mr. Agreya Pratap, Advocate Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Heard learned counsel for the parties.

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

(i) For quashing of the order dt. 11/01/2016 and 10/02/2016 passed in certificate Case No. 14/15-16 without giving opportunity to the petitioner to file objection U/s 9 of the P.D.R. Act to the petitioner.

(ii) For commanding the respondent to restrain from acting upon the order dt. 11/01/2016 and 10/02/16 whereby B.W. and D.W.



has been issued against the petitioner.

(iii) For any other relief / reliefs for which the petitioner is entitled for in the fact and circumstances of the case.

It is not in dispute that petition under Section 9/16 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 filed/ to be filed by the petitioner under Section 9/16 of the Act positively within a period of three 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 2nd of January, 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 9/16 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 three 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, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

