

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2442 of 2020

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M/s Siwani Mini Rice Mills Patna City through its proprietor Randhir Kumar,
Male, Age- 43 years, S/o Indradeo Singh, resident of Village- Sonawa, P.S.
Didarganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Dept. of Food and Civil Supplies.
2. The Bihar State Food and Civil Supplies Corporation limited through its Managing Director, Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Patna.
4. The Certificate Officer Cum Executive Magistrate, Patna City, Patna.
5. The District Collector, Patna.
6. The Station House Officer, Didarganj, Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar 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 THE CHIEF JUSTICE)

Date : 20-09-2022

Heard learned counsel for the parties.

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

(i) For issuance of an order direction and writ in the nature of certiorari to dispose of the certificate case within a stipulated period and subsequently to allow the prayer of petitioner as to recall this body warrant dated 23-01-2016 passed in Certificate case issuing notice as in mentioned in objection petition filed in certificate case No-61/2014-15 and stay the recovery proceeding and consideration of opting the para no 16 of deed of agreement between respondent No-2 and petitioner to solve the dispute between them, regarding the recovery of amount of Rs. \ 1,42,28205/-.

(ii) For issuance of an order direction to the Respondent No-2 to co-operate the disposed of the certificate case in the direction and order passed by the Hon'ble Mr. Justice Vikash Jain

but till date respondents have not taken any initiative to regarding to disposal of certificate Case.

- (iii) For issuance of any other relief/ reliefs to which the petitioner may be found entitled to the facts and circumstances of the case.

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 **10th of October, 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.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-Ishika

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	