

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5334 of 2018

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Pankaj Kumar Singh Son of Birenra Kumar, Resident of Village- Toya Garh,
P.S. Berbigaha, District- Sheikhpura, proprietor of Parmeshwar Rice Mill
Barbigaha.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Civil Supply
Department Govt of Bihar.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd. Bihar, Patna.
3. The District Manager Bihar State Food and Civil Supplies Corporation Ltd.,
Sheikhpura.
4. The District Magistrate, Sheikhpura.
5. The Certificate Officer-cum- Sub Divisional Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. A Ujjawal, SC 4
For the State	:	Mr. U.P. Singh, AC to SC 4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-01-2023 Petitioner has prayed for the following relief(s) :-

“That this writ application on behalf of
sole petitioner aforesaid is directed for issuance of
appropriate writis) order(s) direction(s) preferably
in the nature of certiorari for quashing the letter
No. 1007 dated 22.09.2017 issued under the
signature of District Manager Bihar State Food and
Civil Supplies Corporation Sheikhpura addressed
to Certificate Officer-cum-Sub-Divisional Officer
Sheikhpura, whereby certificate officer has been



requested not to dispose of the certificate case until the payment of 15% simple interest is made.

And further commanding the respondent to withdraw the distress warrant and to dispose of the certificate case since petitioner has already paid the entire dues amount to the tune of Rs. 1507634.”

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 13th of February, 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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