

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8314 of 2018

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Anil Kumar son of Ramadhar Prasad proprietor of Gunjan Rice Mill, resident of village - Kudarkat, P.O. - Kudarkat, P.S. - Chauradano, District - East Champaran.

... .. Petitioner/s

Versus

1. The Food And Consumer Protection Department Through The Principal Secretary
2. The State of Bihar through District Magistrate, District - East Champaran.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, East Champaran, Dist
5. The District Certificate Officer, East Champaran, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

The petitioner has prayed for the following relief(s):-

“I. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Certiorari for quashing the Certificate Case No- 14(Kha) of 2017-18 which has been initiated against the petitioner on the basis certificate which forms part of section -7 notice is contrary to the statutory rules of Public Demand Recovery Act, 1914(herein after referred as "P.D.R. Act, 1914" for the sake of brevity) as it is blank at many column, not properly made, not in format, not verified which is evident from



the certificate of the notice and requisition attached in Annexure- 9, 9/A, 9/B to this writ application thus amount to defective notice and defective initiation of the certificate case;

II. That the present writ application is being filed in the nature of certiorari for quashing the Certificate Case No. 14(Kha) of 2017-18 for recovery of Rs.1,44,224.16/-; on the ground that the Certificate as well as Requisition is blank at many places, there is no description of interest, the whole exercise is without jurisdiction;

III. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

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 mer-



its.

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 13.2.2023 at 10:30 A.M. 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)

Bibhash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.1.2023
Transmission Date	

