

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18292 of 2022

=====

Harendra Kumar Singh S/o Jagarnath Singh, Resident of Village-Manguraha,
P.S.-Taryani, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Sheohar.
3. The Sub Divisional Officer, Sheohar.
4. The Certificate Officer, Sheohar.
5. The Block Development Officer, Taryani, Dist. Sheohar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG 5)
		Mr. Alok Ranjan, AC to AAG 5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-01-2023

Heard learned counsel for the parties.

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

“That the present writ application is being filed on behalf of the petitioner above named for setting aside the notice dated 25.10.2022 issued U/s 7 of Bihar & Orissa Public Demand Recovery Act 1914 hereinafter referred to as the P.D.R. Act issued by the Certificate Officer, Sheohar in the name of the petitioner informing that a huge amount were due against Certificate debtor viz. petitioner on account of dues of empty gunny bag supplied under Sampoorn Gramin Rojgar Yojna (SGRY) Scheme



(SGRY) and National Food for work (NFFW) in the
year 2001-2006 as below:-

Sl.No.	Certificate Case No.	Name of Debtor	Demand due in Rs.
1.	31/2022-23	Petitioner (SGRY)	92,158/-
2.	32/2022-23	Petitioner (NFFW)	42,900/-

A copy of Notice under 7 along with requisition for a certificate under SGRY and NFFW Scheme is annexed herewith and marked as Annexure 1 series.”

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 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 15.02.2023 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)

Spd/-K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	01.02.2023
Transmission Date	

