

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16230 of 2023

Parwati Shankar Prasad Son of Late Raghunandan Prasad, Resident of
Mohalla - Anand Garh Colony, Jail Road, P.S. - Barari (O.P.- Tilkamanjhi),
District – Bhagalpur. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Cooperative, Govt. of Bihar, Patna.
2. The Collector Secretary Department of Cooperative, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited, Government of Bihar through its Director, Bihar, Patna.
4. The Director, Bihar State Food and Civil Supplies Corporation Limited, Government of Bihar, Bihar, Patna.
5. The District Cooperative Officer-Cum-Certificate Officer, Bhagalpur.
6. Shashi Shekhar Sinha, Son of Bhupendra Prasad Singh, resident of village - Akbarpur, P.S. - Kahalgaon, District - Bhagalpur.
7. Amit Kumar, Son of Kumod Prasad, resident of village - Akbarpur, P.S. - Kahalgaon, District – Bhagalpur.. .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Navjot Yesu, Advocate
For the State	:	Mr.Sanjay Kumar, A.C.to G.A.-13
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 19-03-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner has challenged the legality/validity of the order dated 08.09.2023 passed by the respondent No.5 whereby the petitioner has been held for responsible for payment of 188 quintals of paddy with 11 % interest per year alongwith other expenses, failing which recovery proceeding will be initiated under Public Demand Recovery Act (hereinafter referred to as Act).



3. Learned counsel for the petitioner submits that from a bare perusal of the impugned order it appears that the authority had not decided the objection filed by the petitioner even not considered the contention of the petitioner in his show cause. Learned counsel for petitioner has relied upon the order dated 06.04.2023 passed in CWJC No.4363 of 2023 by which the case of the similarly situated petitioners have been allowed by this Court.

4. Learned counsel for the BSFC and the State fairly submits that the authority ought to have decided the objection raised by the petitioner under Sections 9 and 10 of the Act.

5. In that view of the matter, the order dated 08.09.2023 (Annexure-P/1) is set aside and the matter is remanded back to the respondent No.5 to first decide the objection under Sections 9 and 10 of the Act and then pass the order in accordance with law.

6. Petitioner shall cooperate the proceeding before the respondent No.5 and respondent No.5 is directed to concluded the same preferably within a period of four months.

7. With the aforesaid liberty/direction, this writ application is allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	NA

