

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2181 of 2020

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Smt. Phooljharika Devi alias Phooljharika Devi alias Fulazariya Devi, wife of
Ramdev Singh, resident of village - Madhiya, P.S.- Nawanagar, District-
Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar, District- Buxar.
2. The Block Development Officer, Nawanagar, P.S.- Nawanagar, District-
Buxar.
3. Additional Collector-cum-The District Certificate Officer, Buxar, District-
Buxar.
4. The S.H.O., Nawanagar Police Station, district- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh, Advocate Mr. Satyendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar, GP-24 Mr. Manoj Kumar, A.C. to G.P. 24

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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. That the present writ application is being filed in the nature of *Certiorari* for quashing the Certificate Case No. 06 of 2014-15 instituted against the petitioner by which a demand of Rs. 9,72,000/- has been made; on the ground that on various places of the certificate is blank(Annexure-2/ A), the amount stated in the requisition (Annexure-2/B) and Form No. 1 (Annexure-2/A) are totally different and thus, the recovery cannot be made.



- ii. That the present writ application is being filed in the nature of *Certiorari* for quashing the Certificate Case No. 06 of 2014-15 instituted against the petitioner on the ground that the amount raised by the District Certificate Officer, Buxar is without jurisdiction, and thus it is illegal and unsustainable in the eye of law.
- iii. That the present application is being filed for quashing the notice dated 03.10.2019 under letter no. 485 in Certificate Case No. 06/2014-15 issued by Additional Collector-cum-Certificate Officer, Buxar Respondent No. 3 on the ground that the amount i.e. Rs. 4,86,005/- raised by the District Certificate Officer, Buxar by way of last warning notice is without jurisdiction and thus, it is illegal and unsustainable in the eye of law.
- iv. For any other relief/Reliefs for which the petitioner is entitled for.

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 three 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 three 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, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2022
Transmission Date	

