

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1164 of 2022

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Birendra Prasad Singh son of Late Vishwanath Singh resident of Village-
Kastar, P.S.- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

1. The Sasaram Bhabhua Central Co-Operative Bank, Sasaram at Rohtas through its Managing Director.
2. The Managing Director, Sasaram Bhabhua Central Co-Operative Bank, Sasaram at Rohtas.
3. The State of Bihar through the District Certificate Officer-Cum- The Deputy Development Commissioner, Rohtas.
4. The Branch Manager, Sasaram Bhabhua Central Co-Operative Bank, Bikramganj Branch, Bikramganj, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek, Advocate Mr. Debesh Kumar Poddar, Advocate Mr. Rang Nath Pandey, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA-13 Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents for quashing the orders dated 19.01.2018 and 27.01.2020 issuing warrant of arrest against the petitioner passed by the District Certificate Officer, Rohtas in Certificate Case No- 09/2016-17.



- (ii) For issuance of an appropriate writ/writs/order/orders /direction/directions commanding the respondents for quashing the entire proceeding of Certificate Case No-09/2016-17 pending against the petitioner which has been initiated on the basis of no materials.
- (iii) For issuance of any appropriate writ/writs/order/orders/ direction/directions to which the petitioner is entitled in accordance with law.

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 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 **28th of March, 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 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)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	09.03.2022
Transmission Date	

