

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1381 of 2022

Meera Jalan Wife of Late Ram Kishore Jalan Resident of C-84, Greater Kailash, Part-I, New Delhi- 110048, one of the Director of M/s J.K.M. Infra Projects Limited, a company registered under the Companies Act having its registered office at C-84, Greater Kailash Part- I, New Delhi- 110048 and its Regional Office at Flat No.403, Gorakh Nath and Leela Apartment, East Boring Canal Road, Patna- 800001 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Rohtas at Sasaram.
2. The District Magistrate, District- Rohtas at Sasaram.
3. The District Certificate Officer, Sasaram, District- Rohtas at Sasaram.
4. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
6. That Executive Engineer, Rural Works Department (W), Division, Sasaram-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate
For the Respondent/s : Ms. Archana Meenakshee, GP 6

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

Date : 18-10-2022

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

“i) To issue a Writ in the nature of Certiorari for quashing the Certificate Case No.1/2019-20 including entire Certificate proceeding having been initiated against the petitioner as same is in teeth of law laid down by this Hon'ble Division Bench of this Hon'ble Court and also being wholly without jurisdiction



and arbitrary.

ii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

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 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 09.11.2022 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)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

